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THE  
**Statutes at Large,**  
*Anno secundo* GEORGE III. Regis;  
Being the FIRST Session of the  
Twelfth Parliament of GREAT BRITAIN.

BY  
DANBY PICKERING, of GRAY'S INN, Esq;

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THE  
**Statutes at Large,**

. FROM  
**MAGNA CHARTA**

To the END of the  
**Eleventh Parliament of GREAT BRITAIN,**  
*Anno 1761.*

CONTINUED.

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By **DANBY PICKERING**, of Gray's-Inn, Esq;  
Reader of the Law Lecture to that Honourable Society.

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**VOL. XXV, PART I,**

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*CAMBRIDGE,*

Printed by **JOSEPH BENTHAM**, Printer to the **UNIVERSITY**,  
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M, DCC, LXIII.



TO  
THE HONOURABLE  
CHARLES YORKE,  
ATTORNEY-GENERAL  
to His MAJESTY.

SIR,

THE Liberty I have taken in dedicating to You in a publick manner, this Edition of the Statutes, will I hope, be excused, when you consider that it owes in a great measure it's very Being to You.

WHEN the uncommon abilities with which You vindicated the right of the University to print Law-books, had so clearly refuted every objection, and dispelled every doubt from the mind of that Honourable Court the King's Bench, that their noble *Chief*, who always breathes the Spirit of the Laws, would permit no unnecessary delays to suspend their Justice; — You applied it immediately

VOL. XXV. . a



## DEDICATION:

diately to the Honour of the University and the Public Utility, by suggesting such a publication of an intire body of the Statutes as was likely to prove of most general convenience : — my desire to make a thankful acknowledgment for the honour of being entrusted with the execution of your Plan, has been hitherto awed by the fear of offending, but united with the inclination of the University, pardon me if it can no longer be restrained in Silence.

THAT learned body, on your first appearance among them, saw You possessed of richer Stores of learning than many others are at their leaving it; and the more admired to observe You, indefatigable in the pursuit of new attainments, devote to Science that early season of life, too frequently resigned to pleasure and dissipation; and that admiration became ripened into the highest esteem and friendship with it's most respectable members, whilst You were no less distinguished by your most regular observance of every thing that Academical authority requires, than by the most polished and amiable manners.

THE Season that called you forth into Action, seemed only the Harvest due to the cultivation of such talents at the fountain of learning; and the masterly skill with which You explained various questions of Policy and Law, in the Senate and at the Bar, not only fixed the  
at-

## DEDICATION

attention of all the men of business, but attracted the regards of a Sovereign, who being himself possessed of every virtue, feels the noblest Satisfaction in exalting modest worth; and therefore called You to that important office, — a Choice that reflects mutual lustre both on the Royal Donor and on the Receiver.

IN the Character of Solicitor General You endeavoured to destroy a Monopoly, and to extend the freedom of the Press to the University; because You foresaw that they would exercise it for the public good; and because neither the weight nor variety of business could ever interrupt the good offices of your antient friendship; on the contrary, You rendered it instrumental to the protection and honour of that body; — and it's particular Members, in the most difficult cases, ever found in You, at once an able adviser, and a generous Patron.

BUT I have been betrayed insensibly by the warmth of my own Sentiments and of others, into the danger of giving offence, where I intended the reverse: — indeed, the delicacies of your Character demand an abler hand than mine, — I forbear therefore, — though not without a secret murmur, that You are continually deserving praises, yet are unwilling to hear them, though they afford the highest pleasure to every one beside.

## DEDICATION.

AT least, Sir, permit this Offering of the First-fruits of a Press, for which you pleaded with so much learning, spirit and force, that the University might almost call it Your's, and which under Your Auspices they propose to employ for the general service of the nation: — permit me to entreat Your Pardon for this intrusion, and Your favourable acceptance of this work, and to assure You that I am, with the sincerest Respect,

SIR,

Your most obedient, and

devoted humble Servant,

*Inner-Temple,  
January 26.  
1763.*

DANBY PICKERING.

Jan. 26, 1763.

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A  
T A B L E  
Containing the TITLES of all the  
S T A T U T E S  
PUBLICK and PRIVATE,

Passed *Anno secundo*

GEORGE III. *Regis.*

Being the First Session of the Twelfth Parliament of  
GREAT BRITAIN.

PUBLICK ACTS.

**A**N act for enabling his Majesty to make provision for supporting the royal dignity of the Queen, in case she shall survive his Majesty.

II. An act to repeal so much of an act passed in the first year of the reign of his present Majesty King George the Third, intituled, *An act for the relief of insolvent debtors*, as relates to creditors compelling prisoners charged in execution to deliver up their estates, and to such prisoners being thereupon discharged.

III. An act for granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty two.

IV. An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty two.

V. An act for more effectually preventing the excessive use of spirituous liquors for home consumption, by laying additional duties upon spirits made in *Great Britain*, or imported into the same; and for better regulating and encouraging the exportation of *British* made spirits; and for securing the payment of the duties upon spirituous liquors.

VI. An act for the importation of salted beef, pork, and butter into this kingdom from *Ireland*, for a limited time, for the



## . A TABLE of the STATUTES.

*supply of his Majesty's ships, transport and other ships and vessels, in his Majesty's immediate service and pay.*

VII. An act for enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy, and towards naval services for the year one thousand seven hundred and sixty two.

VIII. An act for granting to his Majesty several rates and duties upon windows, or lights.

IX. An act for charging certain annuities granted in the year one thousand seven hundred and sixty, on the sinking fund; and for carrying the duties therein mentioned to the said fund; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.

X. An act for raising by annuities, in manner therein mentioned, the sum of twelve millions, to be charged on the sinking fund; and for applying the surplus of certain duties on spirituous liquors, and also the monies arising from the duties on spirituous liquors, granted by an act of this session of parliament.

XI. An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

XII. An act for the regulation of his Majesty's marine forces while on shore.

XIII. An act for appointing commissioners for putting in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty two.*

XIV. An act to prevent vexatious proceedings against brewers, victuallers, and others, with respect of the prices of beer and ale; for better securing the revenue upon strong beer and ale, by preventing fraudulent mixing thereof; to repeal so much of an act made in the first year of the reign of his present Majesty, as extends certain provisions relative to the exportation of spirituous liquors to the exportation of strong beer and ale; and for the more effectual preventing the re-landing of beer, ale, cyder, and mum, shipped for exportation as merchandize.

XV. An act for the better supplying the cities of *London* and *Westminster* with fish, and to reduce the present exorbitant price thereof; and to protect and encourage fishermen.

XVI. An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.

XVII. An act for relief of the vassals of the several estates which are or may be annexed to the crown, by virtue of an act passed in the twenty fifth year of the reign of his late Majesty, and for carrying the purposes of the said act more effectually into execution; and for enforcing and carrying into execution so much of an act passed in the first year of the reign of his present Majesty, as relates to the paying and discharging the wadsetts affecting the estate of *Lozar*.

XVIII. An

## A TABLE of the STATUTES.

**XVIII.** An act for rendering more effectual an act made in the twelfth year of the reign of her late Majesty queen *Anne*, intituled, *An act for providing a publick reward for such person or persons as shall discover the longitude at sea*, with regard to the making experiments of proposals made for discovering the longitude.

**XIX.** An act for the better preservation of the game in that part of *Great Britain* called *England*.

**XX.** An act to explain, amend, and reduce into one act of parliament, the several laws, now in being, relating to the raising and training the militia within that part of *Great Britain* called *England*.

**XXI.** An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of *Westminster*, the parishes of *Saint Giles in the Fields*, *Saint George the Martyr*, *Saint George Bloomsbury*, that part of the parish of *Saint Andrew's Holbourn* which lies in the county of *Middlesex*, the several liberties of the *Rolls* and *Savoy*, and that part of the duchy of *Lancaster* which lies in the county of *Middlesex*, and for preventing annoyances therein; and for other purposes therein mentioned.

**XXII.** An act for the keeping regular, uniform, and annual registers, of all parish poor infants under a certain age, within the bills of mortality.

**XXIII.** An act to indemnify such as have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and for the making and filing of affidavits of articles of clerkship.

**XXIV.** An act for importing salt from *Europe* into the colony of *Newa Scotia* in *America*.

**XXV.** An act for naturalizing such foreign protestants as have served, or shall serve, for the time therein mentioned, as officers or soldiers in his Majesty's royal *American* regiment, or as engineers in *America*.

**XXVI.** An act for allowing further time for inrollment of deeds and wills made by papists; and for relief of protestant purchasers.

**XXVII.** An act for enabling the judges of the court of session in *Scotland* to make an adjournment of the said court for such time, betwixt the twentieth day of *December* and the fifteenth day of *January*, yearly, as they shall judge most convenient not exceeding twenty days.

**XXVIII.** An act to prevent the committing of thefts and frauds by persons navigating bum boats, and other boats, upon the river *Thames*.

**XXIX.** An act to amend so much of an act made in the first year of the reign of King *James* the First, intituled, *An act for the better execution of the intent and meaning of former statutes made*

## A TABLE of the STATUTES.

*against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with bare pipes, and tracing hares in the snow; as relates to the preservation of house doves and pigeons, by making the manner of convicting such person or persons as shall offend therein more easy and expeditious.*

XXX. An act for enlarging and improving the north east avenue of *London Bridge*.

XXXI. An act for making perpetual an act for the better regulation and government of seamen in the merchants service; and for extending the provisions thereof to his Majesty's colonies in *America*.

XXXII. An act for draining and preserving certain low lands called *The Fens*, lying on both sides of the river *Witham*, in the county of *Lincoln*; and for restoring and maintaining the navigation of the said river, from the *High Bridge* in the city of *Lincoln*, through the borough of *Boston*, to the sea.

XXXIII. An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty two; and for settling and securing a certain annuity for the use of the right honourable *Arthur Onslow*, speaker of the house of commons in the last five parliaments.

XXXIV. An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for allowing time for the payment of the stamp duties omitted to be paid upon admissions into corporations or companies, and appointments to offices therein; and for the relief of *William Earle*, in respect of a quantity of white salt, lost by the wreck of a ship near the harbour of *Dublin*.

XXXV. An act for applying the money granted in this session of parliament, towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England*, when unembodied, and of the cloathing of the part of the said militia now unembodied, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty two.

XXXVI. An act for better securing the payment of the sums of money directed by an act made in the thirty second year of the reign of his late Majesty King *George the Second*, to be applied in augmentation of the salaries of the puisne judges in the court of *King's Bench*, the judges in the court of *Common Pleas*, the barons of the coif in the court of *Exchequer*, at *Westminster*, and the justices of *Chester* and the great sessions for the counties in *Wales*, for the time being.

XXXVII. An act for vesting certain lands, tenements, and hereditaments, upon the sea coasts, in the counties of *Kent*, *Sussex*, and *Southampton*, on which forts and batteries have been erected for the defence of the said coasts in trustees, for certain uses; and for other purposes therein mentioned.

XXXVIII. An

## A TABLE of the STATUTES.

XXXVIII. An act for the more easy and speedy recovery of small debts, within the town and county of the town of *Kingston upon Hull*.

XXXIX. An act for repairing and widening the roads from *Mullen's Pond* in the county of *Southampton*, to the eighteen mile stone from the city of *Salisbury* near *Willoughby Hedge*; and from *West Amesbury* to *Anslow Hill*; and from *Amesbury* to *Fiddleton*; and from the *New Inn* in *Amesbury* to the end of the parish leading to *Durrington*; and from *Wily* to *Cook's House* and *Landford*; and from *Beacon Hill* to the *Nag's Head*; and from thence one mile of the road leading to *Shrewton* in the county of *Wils.*

XL. An act for supplying the town of *Halifax* with water.

XLI. An act for rendering more effectual several acts passed in the fifth year of his late Majesty King *George the First*, and the thirteenth year of his late Majesty King *George the Second*, for repairing the roads from the top of *Stokenchurch Hill* to *Enslow Bridge*, through the city of *Oxford*, by *Begbroke*, to *New Woodstock* in the county of *Oxon*; and for repairing the road from the *Crown* alehouse, to the turnpike on *Stokenchurch Hill* aforesaid; and for repairing the mile-ways on each side the said city, as therein mentioned.

XLII. An act for repairing, widening, and altering, the road from *Sandon* in the county of *Stafford*, to *Bullock Smithy* in the county of *Chester*: and from *Hilderstone*, to *Draycott* in the Moors; and from *Witley Rocks*, to *Tean*, in the said county of *Stafford*.

XLIII. An act for repairing and widening several roads in the counties of *Cornwall* and *Devon*, leading to the borough of *Saltash* in the county of *Cornwall*.

XLIV. An act for repairing and widening the roads from a certain place near *Bolton* in the Moors, to *Leigh*; and thence to the guide post near *Galbourne Dale*, and to the south end of *Newton Bridge*; and from the said guide post to *Winwick*; and from *Newton* by *Parr Stocks*, to the guide post in *Parr*, in the county palatine of *Lancaster*.

XLV. An act for better regulating the poor; maintaining a nightly watch; lighting, paving, and cleaning the streets, rows, and passages; providing fire-engines and firemen: and regulating the hackney coachmen, chairmen, carmen, and porters; within the city of *Chester*.

XLVI. An act for repairing and widening the road from the *Lostwithiel* turnpike road, in the parish of *Creed* in the county of *Cornwall*, through *Tregony*, to *Ruan Laneborne*; and from *Dennis Water*, to three hundred yards on the south side of *Trethim Mill*, in the parish of *Saint Just*, in the said county.

XXVII. An act for the enlightning the streets, lanes, and passages, within the town and county of the town of *Nottingham*.

XLVIII. An act for enlarging the term and powers granted by two several acts, passed in the sixth and sixteenth years of his

## A TABLE of the STATUTES.

late Majesty, for the more effectual repairing the roads leading from *Wadefmill* in the county of *Hertford*, to *Barley* and *Royston*; and for making the said acts more effectual.

XLIX. An act for amending and widening the road from the turnpike road at or near the town of *Swindon*, to the north end or side of the town of *Marlborough*, and from the said town of *Marlborough* to the village of *Everly* in the county of *Wilts*.

L. An act for repairing, widening, and altering, several roads leading from *Tavistock* to *Plymouth*, and other places in the county of *Devon*.

LI. An act to amend and render more effectual an act passed in the last session of parliament, intituled, *An act for amending, widening, and keeping in repair, the road leading from Fisherton Bridge to the turnpike road at Willoughby Hedge in West Knoyle, and from Wilton Bridge, to the turnpike road at the west end of Heytesbury; and also the road from the turnpike road at the top of Red Hone Hill, in the parish of Urthfont, to the mile-stone at the western end of Fisherton Street in the county of Wilts.*

LII. An act for building a bridge cross the river *Tee*, at or near the ferry in the parish of *Stockton*, in the county of *Durham*.

LIII. An act for repairing and widening the roads leading from *Kelsal*, in the county of *Salop*, to *Whiston Cross*, and from thence over *Burnhill Green Rudge Heath*, by the two New Inns, and to a place called *High Gate Warren*, in the county of *Stafford*.

LIV. An act for amending, widening, and keeping in repair, the road, from *Castle street*, at the end of the town of *Hinckly*, to *Lutterworth Town's-End*, and from, or near, the Guide Post, at *Walcot Town's-End*, in the county of *Leicester*, to the Eighty Mile stone, in *Welford Field*, in the county of *Northampton*.

LV. An act for continuing and rendering more effectual an act passed in the tenth year of his late Majesty King *George the Second*, intituled, *An act for continuing an act passed in the third year of the reign of His Majesty King George the First, for laying a duty of two Pennies Scots, or one sixth part of a penny sterling, on every pint of ale or beer, that shall be vended, or sold, within the town of Dumfries, and privileges thereof, for paying the debts of the said town, and for building a church, and making a harbour there; and for laying a duty on the tonnage of shipping, and a duty on goods imported and exported, into, and out of, the port of the the said town, for the better repairing of the said harbour.*

LVI. An act to amend and render more effectual an act made in the twenty eighth year of the reign of his late Majesty King *George the Second*, for making navigable *Sanky Brook*, in the county of *Lancaster*, and for the extending and improving the said navigation.

LVII. An act to amend an act made in the thirty second year of the reign of his late Majesty, for repairing and widening several roads, therein mentioned, in the counties of *Southampton* and *Dorset*: and for amending and widening the road between  
Ring-

## A TABLE of the STATUTES.

*Kingwood Gate*, in the county of *Southampton* to *Woolsbridge*; and from thence to the great Western road, between a place called *Thick Thorn* and *Cashmore Inn*.

LVIII. An act for the better relief and employment of the poor, and for cleansing the streets, lanes, and other passages and places, in the parishes of *Saint James*, within the liberty of *Westminster*, and for enlarging the church yard belonging to the said parish.

LIX. An act for repairing, widening, turning, and shortening the road leading from the turnpike road on *Farrad's Common*, in the parish of *Bradford*, through *Holt* and *Melksham*, to *Homan's Stile*, in the parish of *Laycock*, in the county of *Wilts*.

LX. An act for repairing and widening the road from the turnpike road at *Weyhill*, in the county of *Southampton*, to the turnpike road at *Lyde Way*, in the county of *Wilts*.

LXI. An act for altering, widening, and amending, the road from the north gate of the city of *Winchester*, over *Worthy Cow Down*, through *Whitchurch*, and other places, to *Newtown River*, and also the road from *Worthy Cow Down* aforesaid, through *Wherwell*, to the present turnpike road at *Andover*, in the county of *Southampton*.

LXII. An act for repairing and widening the high road, leading from *Ashborne*, in the county of *Derby*, to the town of *Leek*, in the county of *Stafford*, and from *Reycroft Gate*, upon *Rushton Common*, to *Congleton*, in the county of *Chester*; and also the road leading from *Blyth Marsh*, in the county of *Stafford*, through *Cheadle*, *Oakmoor*, and *Biere*, to the turnpike road, from *Ashborne* to *Bukton* near *Thorpe*, in the county of *Derby*.

LXIII. An act for amending, widening, altering, and keeping in repair, the road from the south end of *Sparrow's Herne* on *Bushy Heath*, through the market towns of *Watford*, *Berchampsstead*, *Saint Peters*, and *Tring*, in the county of *Hertford*, by *Pettifers Elms*, to the turnpike road at *Walten*, near *Aylesbury*, in the county of *Buck*.

LXIV. An act for amending, widening, and keeping in repair, several roads leading from *Bridge Town Pomeroy*, and from *Teign Bridge* in the county of *Devon*.

LXV. An act for repairing and widening the roads from the *White Post* on *Hastleden's Wood*, in the parish of *Cranbrooke*, to *Appledore Heath*; and from *Milk House Street*, in the same parish, to *Castleden's Oak*, in the parish of *Biddenden*; and from *Golford Green*, in the said parish of *Cranbrooke*, to *Tanner's Vent*, in the parish of *Benenden*, all in the county of *Kent*.

LXVI. An act for repairing the road from the turnpike road on the top of *Whitesheet Hill*, to a place called the *Hare Warren*; and from thence to the *Index Post*, standing near the *Blandford* turnpike road, on the side of *Harnam Hill*; and also for repairing and widening the road from the said *Index Post*, to a house called *Master Baker's Farm House*, in the county of *Wilts*.

LXVII. An act for continuing, enlarging, and rendering more effectual, so much of an act made in the fourteenth year

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of the reign of his late Majesty King George the Second, intituled, *An act for enlarging the terms and powers granted by two acts of parliament, for repairing the roads leading from seven Oaks to Woodsgate and Tonbridge Wells; and from Woodsgate to Kippings Cross in the county of Kent; and also for repairing the roads from Kippings Cross aforesaid, to Lamberhurst Pound and Pullen's Hill, in the said county; and to Flimwell Vent, in the county of Suffex; as relates to the amending, repairing, and keeping in repair, the said roads, leading from Kippings' Cross aforesaid, to Lamberhurst Pound, Pullen's Hill, and Flimwell Vent, aforesaid.*

LXVIII. An act for building two new churches, and providing burial places within the town of *Liverpool*, in the county palatine of *Lancaster*; and for the better preserving the pavements of the streets in the said town; and for ascertaining the fares and prices to be paid carters, carmen, hackney coachmen, and chairmen, and for regulating their behaviour, within the said town.

LXIX. An act for explaining and amending so much of two acts of the twenty seventh and twenty ninth years of his late Majesty, for repairing several roads therein mentioned, in the counties of *Leicester* and *Warwick*, as relates to the road between *Hinckley* and *Coventry*.

LXX. An act to amend and render more effectual several acts made for cleansing and enlightening the streets of the town of *Kingston upon Hull*, and for preventing annoyances therein.

LXXI. An act for continuing the term and powers of an act, made in the fourteenth year of the reign of his late Majesty, intituled, *An act for repairing the road from Doncaster, through the parish of Peniston, in the county of York, to Salter's Brook, in the county of Chester; and also the road from Rotherham, in the said county of York, to Hartcliffe Hill, in the said parish of Peniston; and for making the said act more effectual so far as the same relates to the said road between Doncaster and Salter's Brook.*

LXXII. An act for repairing and widening the road from *Flimwell Vent*, in the county of *Suffex*, through *Highgate* in the county of *Kent*, and the parishes of *Sundhurst*, *Newenden*, and *Northiam*, to *Rye*, in the said county of *Suffex*; and from *Highgate* aforesaid, to *Cooper's Corner*, in the said county of *Suffex*, and to *Tubb's Lake* in the said county of *Kent*.

LXXIII. An act for repairing and widening the roads from a certain bridge, called *James Deeping Stone Bridge*, to *Peter's Gate* in *Stamford*, in the county of *Lincoln*, and from thence, to the south end of the town of *Morcott*, in the county of *Rutland*.

LXXIV. An act to amend and render more effectual an act made in the twenty ninth year of the reign of his late Majesty, intituled, *An act for amending and keeping in repair the roads leading from Meadbrook, which divides the parishes of Pucklechurch and Mangotsfield, in the county of Gloucester, to Christian Mal-*  
ford

## A TABLE of the STATUTES.

*ford Bridge, in the county of Wilts, and also from Pucklechurch aforesaid, to certain coal mines in the said parish.*

LXXXV. An act for repairing and widening the high road leading from the north end of *Ballingdon Bridge*, in *Sudbury*, in the county of *Suffolk*, to the south gate in *Berry Saint Edmunds*, in the said county.

LXXXVI. An act for amending and widening the road leading from the high post road near the town of *Faversham*, by *Bacon's Water*, through *Ashford*, to the town and port of *Hythe*, in the county of *Kent*, and from *Bacon's Water*, to a certain lane, called *Holy-Lane*, in *Wincheap*, near the city of *Canterbury*.

LXXXVII. An act to enlarge the term and powers, and also to render more effectual an act for amending, widening, and keeping in repair, the several roads from the town of *Pool*, in the county of *Montgomery*, to *Wrexham*, in the county of *Denbigh*; and also the road from *Knockin*, in the county of *Salop*, to *Llanrhaiader*, in *Machnant*, in the county of *Denbigh*, and to repair and widen several other roads therein mentioned.

LXXXVIII. An act for amending and widening the road from the *Market-House*, in *Stourbridge*, to *Colly Gate*, in *Cradley*, and from *Pedmore*, to *Holly Hall*, and from *Colly Gate*, to *Halefowen*, and from the turnpike road on *Dudley Wood*, to *Red-nail Green*, in the parish of *King's Norton*, and from *Carter's Lane*, to the *Bell Inn* at *Northfield*, in the counties of *Worcester*, *Stafford*, and *Salop*.

LXXXIX. An act for amending, widening, and keeping in repair, several roads leading from *Cleobury Mortimer*, the *Croft Houses*, *Glazeley*, and the turnpike gate on *Abberley Hill*, in the counties of *Salop* and *Worcester*.

LXXX. An act for amending, widening, and keeping in repair, several roads therein mentioned, lying in the counties of *Leicester* and *Warwick*, and in the county of the city of *Coventry*.

LXXXI. An act for widening, repairing, and amending, the road from *Hesket*, by *Tewes Bridge*, to *Cockermouth*, and from thence by *Lorton*, over *Whinlatter*, to *Keswick*, in the county of *Cumberland*; and from *Keswick*, by *Dummail Rays* and *Amble-side*, to *Kerby* in *Kendall* in the county of *Westmorland*; and from *Plumbgarth's Cross*, near *Kirby* in *Kendall* aforesaid, to the lake called *Windermere*, in the county of *Westmorland*; and from *Keswick* aforesaid, to the town of *Penrith*, in the county of *Cumberland*.

LXXXII. An act to continue, and render more effectual, an act passed in the thirtieth year of the reign of his late Majesty, for amending, widening, and keeping in repair, the road leading from *Burleigh Bridge*, in the town of *Loughborough*, to *Ashby de la Zouch*, in the county of *Leicester*; and for repairing and widening the road, branching out of the said road, at *Coleorton Church*, over *Coleorton Moor*, and through *Worthington* and



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and *Sutton Bonington*, to *Rempston*, in the counties of *Leicester* and *Nottingham*.

LXXXIII. An act for repairing and widening the roads from *Kirkby-Steven High-Lane Head*, in the county of *Westmorland*, through *Sedburgh*, to *Greeta Bridge*, in the county palatine of *Lancaster*; and from *Bracken Bar Gate* near *Askrigg*, in the county of *York*, through *Sedberg*, to *Kirkby Kendal*; and also the road from the four lane ends in *Marthwaite*, to the turnpike road on *Grayrigg House*, leading from *Appleby*, to *Kirkby Kendal*, in the said county of *Westmorland*.

LXXXIV. An act for repairing and widening the road from *Cosham*, in the county of *Southampton*, to the city of *Chichester*.

LXXXV. An act to empower the commissioners and trustees named and appointed by, and in pursuance of an act of parliament made in the tenth year of the reign of his late Majesty King *George the First*, for making more effectual an act made in the ninth year of his Majesty's reign, intituled, *An act for completing the repairs of the harbour of Dover in the county of Kent, and for restoring the harbour of Rye in the county of Sussex, to its antient goodness so far as the same relates to the harbour of Rye*, to let the sea and tides into a new cut or channel, made in pursuance of the said act of the tenth year of his said late Majesty's reign, as far as a wall, called *Winchelsea Wall*.

LXXXVI. An act to enlarge the term and powers granted by an act passed in the eleventh year of the reign of his late Majesty, for continuing several acts relating to the harbour of *Liverpool*, and for enlarging the said harbour, by making an additional dock, and building a pier in the open harbour there, and for enlightening the said dock, and for making another dock with proper piers in the said harbour, and for erecting lighthouses, and other proper lights, in or near the port of *Liverpool*.

LXXXVII. An act for enlarging the term and powers of several acts of parliament, relating to the harbour of *Whitehaven*, in the county of *Cumberland*, and to the roads leading to the said harbour and town of *Whitehaven*; and for further enlarging the said harbour; and for lighting the said town, and supplying the same with water; and for regulating the carmen there; and for repealing so much of an act of the twenty third year of the reign of his late Majesty, as relates to the road from *Culder Bridge*, to *Egremont*, and directing how the said road shall be repaired, and for repairing several other roads therein mentioned, in the said county.

## P R I V A T E   A C T S.

**A**N act for naturalizing *Anna Maria Thornton*, wife of *Obedias Thornton*, merchant,

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2. An act for dividing and inclosing certain common fields, and meadows, in the parish of *Holy Cross*, in *Perthore*, in the county of *Hereford*.

3. An act for naturalizing *Philip Jacob Krauter*, and *John Paris*.

4. An act for naturalizing *John Berens*.

5. An act for establishing and confirming certain articles of agreement for the dividing and inclosing several common fields, meadows, and pastures, in the townships of *Elvaston* and *Thulston*, in the county of *Derby*.

6. An act for naturalizing *Francis Rodolph Fatiz*, *John Le Coq*, *John Henry Cazenove*, and *Henry Peter Kuhff*.

7. An act for dividing and inclosing two pieces or parcels of open and uninclosed lands, called *The Town Hill*, and *The Burroughs*, in the borough and manor of *Swansea*, in the county of *Glamorgan*.

8. An act for dividing and inclosing the common fields, meadows, pastures, and waste grounds, in the township of *Alton upon Trent*, in the county of *Derby*.

9. An act for dividing and inclosing the common fields, common meadows, common grounds, and commonable places, in the parish of *Swanburne*, in the county of *Bucks*.

10. An act for dividing and inclosing several common fields, meadows, pastures, and waste grounds, in the parish of *Barrowby*, in the county of *Lincoln*.

11. An act to enable the most noble *Francis* duke of *Bridge-water* to make a navigable cut or canal from *Longford Bridge*, in the township of *Stretford*, in the county palatine of *Lancaster*, to the river *Mersey*, at a place called *The Hemp Stones*, in the township of *Halton*, in the county of *Chester*.

12. An act for authorizing and enabling *John Woods*, *William Woods*, and *John Challen*, merchants, to erect and build one or more tide mill or tide mills, for grinding corn and grain, upon a creek or channel, in the manor and parish of *Bishopston*, in the county of *Suffex*.

13. An act for sale of certain lands, tenements, and hereditaments, in the parishes of *Witham Frary*, *Marston*, or *Nunny*, in the county of *Somerset*, devised and limited by the will of *Sir William Wyndham* baronet, deceased, and for laying out the money arising by such sale in the purchase of other lands and hereditaments to be settled to the same uses, except as therein mentioned.

14. An act for confirming and establishing a partition between *Samuel Blunt*, *Henry Humphery*, *James Clitherow*, esquires, and others, of several estates in the counties of *Suffex*, *Surrey*, and *Kent*, and for vesting and settling the entire premises to the several uses therein mentioned.

15. An act for incorporating the trustees, named in the settlement and will of *Christopher Tancred*, esquire, deceased, and to enable them to take the estate late of the said *Christopher Tancred*, to them and their successors, in perpetuity, for the cha-

## A TABLE of the STATUTES.

ritable uses in such settlement and will, and for the better management of the charity.

16. An act for vesting a piece or pieces of ground, in *Kensington*, in the county of *Middlesex*, part of the settled estate of *Robert Philimore* gentleman, in trustees, to be sold, and for applying the money, arising by such sale, in the purchase of lands, tenements, and hereditaments, to be settled and limited to the like uses as the said ground now stands settled.

17. An act to enable the right honourable the lady *Frances Haubury Williams*, to take upon her, and use, the surname of *Coringesby*, pursuant to a proviso in a settlement made by her father, *Thomas earl Coringeshy*, deceased.

18. An act to enable *John Husc* esquire, and his heirs male, to take and use the surname and arms of *Lombe*.

19. An act for naturalizing *Henrietta Frederique* viscountess *Stormont*, wife of the right honourable *David* lord viscount *Stormont*.

20. An act for naturalizing *Philip Schumacher* and *Nicholas Brandt*.

21. An act for naturalizing *Jacob Wolfe* esquire, commonly called baron *Wolfe*.

22. An act for naturalizing *Paul Metivier*.

23. An act for naturalizing *James Repinder*.

24. An act for naturalizing *Jean Charnaud*.

25. An act for dividing and inclosing the open and common field, common meadows, common pastures, common grounds, and commonable lands, within the hamlet and liberties of *Princethorpe*, in the township and parish of *Stretton upon Dunsmore*, in the county of *Warwick*.

26. An act for dividing and inclosing a certain moor, or common, called *Middlewood Moor*, or *Ushaw Moor*, within the manor of *Lanchester*, in the county of *Durham*.

27. An act for dividing and inclosing the whole year lands, and pasture grounds, common fields, half year inclosures, shack meadows, and commons, in the parish of *Snettisham*, in the county of *Norfolk*.

28. An act for dividing and inclosing the open fields in the parish of *Hungerton*, in the county of *Leicester*.

29. An act for dividing and inclosing the open fields of *Thurnaston*, in the parish of *Belgrave and Barkby*, in the county of *Leicester*.

30. An act for dividing and inclosing the open and common fields and common grounds in *Whiffordine*, in the county of *Rutland*.

31. An act for vesting certain lands, tenements, and hereditaments, heretofore given, in trust, for the benefit of the poor inhabitants of the parish of *Woburn*, in the county of *Bedford*, in his grace *John* duke of *Bedford*, and his heirs. and for establishing a better fund in lieu thereof.

32. An act for discharging the estate of *Frederick* viscount *Bolingbroke*, in the county of *Surrey*, from the uses and limitations

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tions of a former settlement, and for settling lands and hereditaments in the county of *Kent*, in lieu thereof to the same uses.

33. An act to enable *Patrick Blake* esquire, a minor, to make a settlement on *Annabella Bunbury* spinster, and the issue of their intended marriage; and for other purposes therein mentioned.

34. An act for the sale of part of the estates entailed by the will of *Edward Mellish*, esquire, deceased, and for laying out the money arising by such sale, in the purchase of other estates to be settled to the like uses.

35. An act for vesting a rent charge in fee simple, in trustees, for the benefit of certain poor families described in the will of *John Styleman* deceased, in lieu of a moiety of certain lands and hereditaments, devised by the same will, for the benefit of the said poor families, and for vesting the said moiety in fee simple in *John Boyd*, esquire, and his heirs.

36. An act for selling part of the estates of *William Mason*, esquire, devised to him by the will of *William Mason*, esquire, deceased, and for laying out the money to arise thereby in the purchase of other lands and hereditaments, to be settled, in lieu thereof, to the uses limited by the said will; and for exchanging other part of the said estates of the said *William Mason*, so devised, for other lands and tenements, to be settled, in lieu thereof, to the uses limited by the same will.

37. An act for vesting all the real and personal estates, late of *Elizabeth Morgan* widow, deceased, in *Elizabeth Mackenzie*, wife of *George Mackenzie*, esquire, her niece, heir at law, and only next of kin, discharged from all right, claims, and interest, of the master and fellows of *Gonville and Caius College*, in the university of *Cambridge*.

38. An act for the sale of the estate of *Thomas Waite*, an infant, for discharging incumbrances affecting the same, and for applying the surplus money arising thereby for the benefit of the said infant.

39. An act for naturalizing *Diederick Wessel Linden*.

40. An act for dividing and inclosing the open and common fields, in the manor of *Shenley Brookend*, in the parish of *Shenley*, in the county of *Bucks*.

41. An act for dividing and inclosing the several open and common fields, meadows and commons, within the lordship or liberty of *Quorndon*, in the county of *Leicester*.

42. An act for dividing and inclosing several common fields, commons, common heaths, and waste grounds, in the parish of *Portesham*, in the county of *Dorset*.

43. An act for dividing and inclosing a certain moor or common, within the manor of *Evenwood* and chapelry of *Saint Helen's Auckland*, and county of *Durham*.

44. An act for dividing, allotting, and inclosing, the open fields, pastures, and pieces or parcels of meadows and pasture ground, in the lordship of *Sproatley*, in *Holdernefs*, in the county of *York*.

## A TABLE of the STATUTES.

45. An act for confirming articles of agreement for inclosing common fields, commons, pastures, and waste grounds, in the townships or Hamlets of *Dringhoe, Upton, and Brough*, in the parish of *Skipsea*, in *Holderness*, in the east riding of the county of *York*.

46. An act for dividing and inclosing the open and common fields, common pastures, common meadows, common grounds, and waste grounds, of and in the manor, parish, and liberties of *Towcester*, with the hamlets of *Wood Burcott*, and *Caldecote*, in the county of *Northampton*.

47. An act for inclosing and dividing the common fields, moors, and common grounds, in the township of *Rotherham*, in the county of *York*.

48. An act for inclosing and dividing several open fields, and commonable lands, within the manor and parish of *Wintringham*, in the county of *Lincoln*.

49. An act for repealing part, and explaining and amending other parts, of an act made in the thirty second year of the reign of his late Majesty King *George the Second*, intituled, *An act for vesting part of the estates intailed by the will of the most noble Charles Noel, duke of Beaufort, deceased, in trustees, to be sold, and for purchasing other estates, to be settled to the like uses, and for empowering the guardian and trustees named in the said will, to make leases of the said duke's estates, in the counties of Gloucester, Wilts, Hants, Devon, Dorset, Glamorgan, and Brecon, during the minority of his children.*

50. An act for confirming a partition of so many of the estates of *Charles* late duke of *Somerset*, deceased, as were by him settled and devised to the use of *Frances* late marchioness of *Granby*, and of *Charlotte* countess of *Ayleford*, his two daughters, and their issue, in strict settlement, with several remainders over; and for vesting and settling the entire premises to the several uses therein mentioned; and for the several other purposes therein mentioned.

51. An act for rectifying a mistake in the name of one of the trustees in the settlement made upon the marriage of the right honourable *William* earl of *Harrington*, with the right honourable *Carolina* countess of *Harrington* his wife.

52. An act for explaining and amending the marriage settlement of *Edward* lord *Winterton*, in the kingdom of *Ireland*, by empowering him to sell part of the estates in the counties of *Suffex, Surrey, and Norfolk*, therein comprised, and for lay-out the monies arising by such sale, in the purchase of other estates of equal or greater value, to be settled to the uses of the said marriage settlement, and for other purposes therein mentioned.

53. An act to enable *Sir Nicholas Hacket Carew*, baronet, to grant a lease, or leases, of part of his settled estate, for the improvement thereof, pursuant to a contract by him entered into for that purpose.

54. An act for vesting the capital messuage, with the lands and hereditaments therunto belonging, at *Southgate*, in the parish

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parish of *Edmonton*, and at *Frian Barnett*, in the county of *Middlesex*, and at *East Barnett*, in the county of *Hertford*, late part of the estate of *James Colebrooke*, esquire, deceased, comprized in the marriage settlement of *Sir George Colebrooke*, baronet, in him and his heirs, and for settling other lands and hereditaments, in the counties of *Surrey* and *Middlesex*, of equal value, to the same uses, in lieu thereof, and for other purposes in the said act mentioned.

55. An act for discharging certain leasehold houses and tenements, comprized in the marriage settlement of *Humphreys Ram*, esquire, from the trusts of the settlement, and for settling freehold houses of greater value in lieu thereof.

56. An act for vesting a toft or scite of a copyhold house, in *Richmond*, in the county of *Surrey*, lately pulled down, in trustees, to be sold, leased, or otherwise disposed of, for the benefit of the persons claiming under the will of *Matthias Perkins*, gentleman, deceased; and for empowering *John Perkins*, his son, to make such leases of his estate, at *Richmond* and *Tuddington*, as are therein mentioned.

57. An act for discharging divers lands, estates, and hereditaments, devised by the will of *Thomas Ruggles*, esquire, deceased, from the uses and trusts of the said will; and for settling other lands and tenements, of greater value, in lieu thereof, to the like uses.

58. An act for vesting the settled estate, late of *Ralph Jenison*, esquire, deceased, at *Great Walworth*, in the county of *Durham*, in trustees, in trust, to be conveyed to *John Dixon*, gentleman, and his heirs, pursuant to a decree, and subsequent orders, of the court of chancery at *Durham*.

59. An act to enable *Joseph Fell*, esquire, to make a lease of a farm and lands in *Walthamstowe*, in the county of *Essex*, for a term of ninety nine years.

60. An act to enable *John Holden*, gentleman, and *Thomas Holden*, his son, an infant, and their trustees, to raise the sum of one thousand pounds, upon certain estates in *Leicestershire* and *Warwickshire*, or on a sufficient part thereof, to be applied for the purposes therein mentioned.

61. An act for vesting two acres of land in *Walton upon Thames*, in trustees, to be sold, and conveyed to the executors of *Samuel Dicker*, esquire, for the benefit of *Mary Delver*, an infant.

62. An act for vesting divers lands and hereditaments, in the parish of *Ighorrough*, in the county of *Norfolk*, part of the settled estate late of *Henry Ord*, esquire, deceased, in trustees to convey the same to *James Nelthorpe*, esquire, and his heirs, and to lay out the money to be paid for the same, in the purchase of other lands and hereditaments, to be settled to the uses therein mentioned.

63. An act for vesting certain estates, in the parish of *Saint Botolph Billingsgate*, *London*, late the estate of *William Clapham*, gentleman, in trustees, for the uses and purposes therein mentioned.

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64. An act for sale of part of the settled estate of *Thomas Cartwo*, of *Crowcombe*, in the county of *Somerset*, esquire, and for settling other lands and hereditaments, of greater value in lieu thereof, to the same uses.

65. An act for vesting the settled estate of *John Weller*, esquire, deceased, lying in the counties of *Kent* and *Chester*, in trustees, to be sold, to pay off incumbrances affecting the same, and to lay out the surplus of the money arising by such sale (if any) in the purchase of other lands to be settled to the uses of the will of said *John Weller*.

66. An act to enable *William Richards* and *Edward Richards*, infants, and their heirs, to take and use the surname, and bear the arms of *Powell*, pursuant to the will of *Roger Powell*, esquire, deceased.

67. An act to enable *Charles Smith*, an infant, lately called *Charles Loraine*, and his heirs, to take, and use, the surname of *Smith*, pursuant to the will of *Richard Smith*, esquire, deceased.

68. An act for naturalizing *Luke Wettstein*, *Peter Texier*, junior, and *Daniel Goy*.

69. An act for naturalizing *John Doerner*.

# THE STATUTES at Large &



*Anno secundo* GEORGI

At the Parliament begun and holden in  
~~for~~ the nineteenth day of *May*, Anno Dom. 1761,  
in the first year of the reign of our Sovereign  
Lord GEORGE the Third, by the grace of  
God, of *Great Britain, France, and Ireland*,  
King, Defender of the Faith, &c.

And from thence continued by several prorogations to  
the third day of *November* following; being the first  
session of the twelfth parliament of *Great Britain*.

## CAP. I.

*An act for enabling his Majesty to make provision for sup-  
porting the royal dignity of the Queen, in case she shall  
survive his Majesty.*

Most Gracious Sovereign,

WHEREAS your Majesty's most faithful commons reflect Preamble:  
with the greatest pleasure on the joyful and auspicious  
event of your Majesty's royal nuptials with a princess, descended  
from an illustrious protestant line, distinguished by the most  
eminent graces and endowments, and worthy to be the royal  
partner of your throne, by possessing every virtue that can adorn  
it, and have a just sense of that affectionate regard which your  
Majesty has shewn for your people, by consulting on this most  
important and interesting occasion, as on every other, their  
happiness and that of their posterity, and are truly sensible how  
acceptable it will be to your Majesty, that a good, certain, and  
competent revenue be settled for supporting the honour and  
dignity of her Majesty, your royal consort, in case she should  
survive your Majesty (whose lives God long preserve). And  
whereas by an act made in the first year of the reign of her late 1 Annæ,  
Majesty Queen *Anne*, for preserving the inheritance of several  
revenues of the crown, intituled, *An act for the better support of  
her Majesty's household, and of the honour and dignity of the crown*,  
all grants thereof (other than such as are therein expressed) are  
declared to be void; and by another act made in the ninth 9 Annæ,  
year of her said late Majesty's reign, intituled, *An act for esta-  
blishing a general post office for all her Majesty's dominions, and for  
settling a weekly sum out of the revenues thereof, for the service of  
the war, and other her Majesty's occasions*, it was enacted, That  
such part of the duties and revenues arising in or by the general  
letter



letter office or post office, which was thereby vested in her said late Majesty, her heirs, and successors, and therein mentioned to be undeterminable, should not be alienable, chargeable, or grantable for any estate, term, or time whatsoever, to endure longer than the life of the King or Queen that should make such alienation, charge, or grant respectively; and that all gifts, grants, alienations, and assurances whatsoever, to be had or made of, and charged upon, the same duties or revenues, or any part thereof, contrary to the provision of that act, should be null and void: and whereas by an act made in the last session of parliament, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, the duties and revenues commonly called *The hereditary revenues*, together with several temporary duties and revenues thereby continued, and all other branches and revenues which, on the twenty-fourth day of *October*, one thousand seven hundred and sixty, stood settled or appointed to be towards the support of the household of his late Majesty King *George the Second* of blessed memory, and the honour and dignity of the crown, were (except as is therein excepted) directed to be, during your Majesty's life, carried to, and made part of, the general or aggregate fund established by an act made in the first year of the reign of his late Majesty King *George the First*; and for the support of your Majesty's household, and of the honour and dignity of your crown, a certain yearly rent or rents, or sum or sums of money, was or were by the said act granted out of the said fund: now we do most humbly, cheerfully, and unanimously beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent Majesty, by any letters patent, or indenture, or by several letters patent or indentures, under the great seal of *Great Britain*, hereafter to be made, to give and grant to her said Majesty the Queen, or to such other person or persons as his Majesty shall think fit, to be named in such letters patent, indenture or indentures, and his or their heirs, to the use of, or in trust for her Majesty, one annuity or yearly rent or sum of one hundred thousand pounds of lawful money of *Great Britain*; which annuity or yearly sum of one hundred thousand pounds, and every part thereof, shall commence and take effect immediately from and after the decease of his Majesty, and continue from thenceforth for and during the natural life of her Majesty; and shall be paid and payable at the four most usual days of payment in the year; that is to say, the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, by even and equal portions; the first payment thereof to be made at such of the said days as shall first and next happen after the decease of his Majesty, in case her Majesty the Queen shall survive him, as aforesaid; and that the said annuity or yearly sum of one hundred thousand pounds,

1 Geo. 3.

His Majesty impowered, by letters patent under the great seal, to grant unto the Queen an annuity of 100,000*l*.

to take place from the decease of his Majesty, and continue during her natural life;

the same to be paid quarterly,

pounds, shall or may, by such letters patent, indenture or indentures, be directed to be issuing and payable out of, or charged and chargeable upon all or any part of such of the said duties, revenues, and branches, which by the said act made in the last session of parliament, intituled, *An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain*, were carried to, and made part of, the said general or aggregate fund, as shall be subsisting after the decease of his present Majesty; and in case the duties, revenues, and branches, out of which the said annuity or yearly sum of one hundred thousand pounds, shall be issuing or payable, or charged or chargeable upon, shall, at any time or times be deficient to make good the same, or any part thereof, such deficiency and deficiencies, shall or may, by the said letters patent, indenture or indentures, be directed to be from time to time, as often as such deficiency or deficiencies shall so happen, supplied, issuing, and payable out of, or charged and chargeable upon, all and every the duties and revenues which compose the said fund, commonly called *The general or aggregate fund*, and every or any of them (after paying or reserving sufficient to pay, all such sum and sums of money, as hath or have been directed by any former act or acts of parliament to be paid out of the same) but with preference to all other payments which shall or may hereafter be charged upon, and payable out of, the said fund.

out of the hereditary and other revenues carried to the aggregate fund, by an act of 1 Geo. 3. and any occasional deficiency to be made good out of the duties composing the said fund, in preference to all other payments which shall hereafter be charged thereupon.

II. And it is hereby further enacted, That the said annuity or yearly sum of one hundred thousand pounds, shall be paid and payable at the receipt of his Majesty's exchequer, or by and from the immediate hands of all and every the commissioners, farmers, treasurers, or receivers for the time being of the said duties, revenues, and branches respectively, upon which the said annuity or yearly sum of one hundred thousand pounds, or any part or parts thereof, shall be charged, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the acquittance and acquittances of her Majesty, or her trustees, or of her Majesty's treasurer or receiver general for the time being, shall be a good and sufficient discharge for the payment thereof, without any further or other warrant to be sued for, had, or obtained in that behalf; and that the said annuity or yearly sum of one hundred thousand pounds, and every part thereof, shall be free and clear from all taxes, impositions, and other public charges whatsoever; and that if the officers of the receipt of his Majesty's exchequer, or the said commissioners, farmers, treasurers, or receivers for the time being, of all or any of the said duties, revenues, or branches, upon which the said annuity or yearly sum of one hundred thousand pounds, or any part or parts thereof, shall be charged, as aforesaid, shall refuse or neglect to pay the said annuity or yearly sum, or any part thereof, to her Majesty, her treasurer, receiver-general, or trustees, or to do any act necessary to enable her Majesty, or her trustees, or her treasurer, or receiver-general to receive the same, then her Majesty, or such her

The said annuity to be paid at the receipt of his Majesty's exchequer, free of all taxes and charges; and the acquittance of her Majesty, or her trustees, to be a sufficient discharge. Officers refusing or neglecting to perform their duty may be sued.

trustees; as afore said, may, from time to time, sue, prosecute, or implead such officers, commissioners, farmers, treasurers, or receivers, or any of them, or all or any of their securities, heirs, executors, and administrators, by bill, plaint, or action of debt, and shall and may recover judgments, and sue out executions thereupon against such officers, commissioners, farmers, treasurers, or receivers respectively, and their respective securities, heirs, executors, and administrators, for such sum and sums of money then due and owing upon the said annuity of one hundred thousand pounds, or any part thereof, as shall be in the hands of such officer or officers, commissioners, farmers, treasurers, or receivers respectively, at the time or times when demand shall be made of the payment of the said yearly sum, or any part thereof, as afore said, or for the refusal or neglect to do any act necessary to be done by such officer or officers, to enable her Majesty, or her trustees, treasurer, or receiver-general to receive the same.

His Majesty  
impowered  
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grant, by let-  
ters patent  
under the  
great seal,  
the palace of  
Somerset-  
House in the  
Strand, with  
its rights and  
appurte-  
nances,

III. And, for the better accommodation of her Majesty, in case she shall happen to survive his Majesty, be it further enacted by the authority afore said, That it shall and may be lawful to and for his Majesty, notwithstanding any restriction contained in the said act made in the first year of the reign of her said late Majesty Queen Anne, by any letters patent, indenture or indentures, under the great seal of Great Britain, to give, grant, settle, or assure, all that his Majesty's palace or capital messuage called by the name of *Denmark-House*, alias *Somerset-House*, alias *Strond-House*, situate in or near the Strand, and in or near the parish of *Saint Mary at Strond*, in the county of *Middlesex*, with its rights, members, and appurtenances whatsoever, and all and singular houses, outhouses, stables, coach-houses, edifices, buildings, courts, yards, gardens, and appurtenances whatsoever, to the said palace or capital messuage belonging, and other the premises, or any of them, belonging or appertaining, or accepted, reputed, taken, used, or enjoyed, as part, parcel, or member thereof, or any part thereof; and also to give, grant, settle, or assure, all that his Majesty's house, now or heretofore usually called the *Lodge*, and formerly in the tenure of *John Latton* esquire, situate and being within the park called or known by the name of *Richmond Old Park*, in the county of *Surrey*, and all and singular the closes, wood grounds, lands, tenements, and hereditaments thereunto belonging, or held or enjoyed therewith by his Majesty upon his accession to the imperial crown of these realms, all which premises are parcel, or reputed parcel, of the manor of *Richmond*, alias *West Sheen*, in the said county of *Surrey*; and also all those messuages and closes of land, commonly called *Keele's Farm*, in the parish of *Mortlake*, in the said county of *Surrey*, purchased by or in trust for her late Majesty; and also all such other closes, wood grounds, walks, easements, lands, tenements, and hereditaments, purchased by or in trust for her said late Majesty, or his said late Majesty, or either of them, and added to, or used with, the said

and also the  
Lodge in  
Richmond Old  
Park, and the  
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Parish of  
Mortlake,

said

said park, or any part thereof, or as an easement or convenience thereto, and held and enjoyed therewith, by his Majesty upon his accession to the imperial crown of these realms, in as full, large, ample, and beneficial manner and form, as his Majesty might have given, granted, settled, or assured the same, or any part thereof, if the said act of the first year of her said late Majesty's reign, or any the restrictions, clauses, matters, or things therein contained, had never been had or made; so as by such gifts, grants, settlements, or assurances, or some of them, a good and sure estate and interest of and in the said palace, or capital messuage and appurtenances, and the said house or lodge, lands, tenements, hereditaments, and all other the premises aforesaid, and every of them, be limited, appointed, settled, or assured, to or for the use of, or in trust for her Majesty, in such manner that she may have and enjoy the sole benefit thereof immediately from and after the decease of his Majesty, during the term of her natural life; and so as an estate or interest be thereby also limited, appointed, settled, or assured, to or for the use of, or in trust for, the executors, administrators, and assigns of her Majesty, to take effect immediately from and after her decease, and to continue for one whole year from thence next ensuing.

IV. And be it further enacted by the authority aforesaid, That all and every the powers, precepts, directions, and clauses, to be contained in his Majesty's letters patent, indenture or indentures, hereafter to be made, as aforesaid, for the better and more certain payment and assurance of the said annuity, or yearly sum of one hundred thousand pounds, and for making the said respective revenues, or any of them, or any part thereof, liable thereunto as aforesaid, and for granting, conveying, settling, and assuring, of the said palace, or capital messuage and appurtenances, house or lodge, lands, tenements, hereditaments, and other premises, shall be, and are hereby enacted to be good and effectual in the law, according to the tenor and purport thereof, in the said letters patent, indenture or indentures, to be expressed, notwithstanding any restriction, or other matter or thing, contained in the said act of parliament made in the first year of her late Majesty's reign, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*, and notwithstanding any restriction, or other matter or thing, contained in the said act made in the ninth year of her said late Majesty's reign, for establishing the post-office, or in any other act or acts of parliament, and any misrecital, non-recital, omission, or other defect, in the said letters patent, indenture or indentures, hereafter to be made, in any wise notwithstanding.

V. Saving to all and every person and persons, bodies politic and corporate, their heirs, executors, administrators, and assigns (other than to the King's Majesty, his heirs, and successors, and other than to such person or persons, who do or may stand seised or possessed in trust for his Majesty, his heirs,

and successors) all such right, title, interest, and demand whatsoever, which they, or any of them, have, or may have, of, in, to, or out of, the revenues aforesaid, or any of them, or of, in, or to, the said palace, or capital messuage and appurtenances, house or lodge, lands, tenements, hereditaments, and premisses, as aforesaid, so to be granted as aforesaid, or any part thereof, before the making of this act, as fully and effectually, to all intents and purposes, as if this act had not been made; any thing therein contained to the contrary notwithstanding.

## CAP. II.

*An act to repeal so much of an act passed in the first year of the reign of his present Majesty King George the Third, intituled, An act for the relief of insolvent debtors, as relates to creditors compelling prisoners charged in execution to deliver up their estates, and to such prisoners being thereupon discharged.*

## Preamble.

WHEREAS an act of parliament was made and passed in the first year of the reign of his present Majesty King George the Third, intituled, An act for relief of insolvent debtors: And whereas by the said act any creditor of any prisoner committed, or who should be committed, and charged in execution, is empowered to compel such prisoner to deliver up his estate and effects in order to his being discharged, in such manner as by the said act is directed: and whereas great inconveniences have arisen from such power being given to creditors as aforesaid; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the nineteenth day of November, one thousand seven hundred and sixty one, so much of the said recited act, as relates to creditors compelling prisoners charged in execution to deliver up their estates, and to such prisoners being thereupon discharged, shall be, and the same is hereby repealed, to all intents and purposes whatsoever.

The compulsory clause in the recited act repealed.

Offences against the recited act, notwithstanding such repeal, may be sued for, and the offenders are made liable to the penalties and forfeitures thereby incurred.

II. Provided always, and be it enacted by the authority aforesaid, That this act shall not extend, or be construed to extend, to pardon, indemnify, or discharge, any person who hath incurred, or, before the said nineteenth day of November, one thousand seven hundred and sixty one, shall incur, any penalty or forfeiture, by committing any offence against the said act made and passed in the said first year of his present Majesty's reign, but that every such offender shall be liable to the forfeitures and penalties incurred, or, before the said nineteenth day of November, one thousand seven hundred and sixty one, to be incurred, under the said act, made and passed in the said first year of his present Majesty's reign, as if the said act had not been repealed, and had continued in full force.

CAP. III.

*An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty two.*

Most Gracious Sovereign,

**W**E your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, taking into our serious consideration such expences as are absolutely necessary for supporting your Majesty's government, and being resolved to supply the same, have for that end and purpose cheerfully and voluntarily given and granted, and do by this act give and grant unto your Majesty, the several and respective rates and assessments hereafter mentioned; and we do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the sum of two millions thirty seven thousand eight hundred fifty four pounds, nineteen shillings, and eleven pence, shall be raised, levied, and paid unto his Majesty, within the kingdom of *Great Britain*, by such proportions, and in such manner and form, as hereafter in this act are expressed.

2,037,854 l.  
19 s. and 11 d.  
to be raised in  
Great Britain

And it is hereby declared and enacted by the authority aforesaid, That, &c. &c.

1, 989, 900 l. 18 s. and 9 d. to be raised in England in one year from 25th March 1762. — Personal estates (except desperate debts, stock on land, household goods, and loans to his Majesty) to pay 4 s. in the pound. — Employments of profit (except military officers of the army or navy) to pay 4 s. per pound. — Pensions and annuities out of the Exchequer, &c. to pay, &c. — Lands, tenements, mines, &c. to be charged with equality and indifference, &c. — Lands, &c. subject to rent-charges, annuities, &c. — Commissioners of the land tax for the year 1759, to put this act in execution. — Commissioners to meet on or before the 30th of April, 1762, as by the act 4 W. and M. and may subdivide themselves, &c. — A list of the commissioners to act in each division, to be given to the receivers-general. — Commissioners, to summon fit persons to be assessors, who are to appear before them in eight days; and then to give them a charge. Persons absenting, or refusing to serve, forfeit, not exceeding 5 l. nor less than 40 s. Assessors to be two at least, and sufficient inhabitants. — Assessments to be brought in at a day and place prefixed. — The full sum charged to be assessed. — A certificate of the assessment to be brought in with the collectors names. — Assessors, &c. neglecting their duty to be fined not above 40 l. — Assessors to deliver one copy of the assessments to the commissioners. — Duplicates thereof to be signed, &c. and one delivered to the collectors, &c. with warrant for collecting. — Commissioners required to give collectors notice at what time and place the appeal of any person who shall think himself aggrieved by being over-rated, may be heard and determined. — A duplicate in parchment to be delivered, together with the names of the assessors and collectors, to the receiver-general; and one to the remembrancer's office, by 8th August 1762, or twenty days after (all appeals first determined) — Remembrancer to give receipts gratis on penalty of 10 l. — The rates to be levied on the parties, or premises; and to be paid to the receivers-general, &c. — The

money collected to be paid to the receiver-general, or deputies; and they to give commissioners notice. — Collectors not obliged to travel above ten miles. — Removal or death of receiver-general to be notified to the commissioners. — 477, 475 l. 4 s. and 8 d. 1. for the first quarterly payment, to be paid to the receivers by 14th Jun. 1762. the second payment by 29th September 1762. the third payment by 25th December 1762. the last payment by the 25th March 1763. — Receiver-general within a month after receiving the full sum charged, to give the commissioners a receipt: which shall be a full discharge for payment. Receivers-general within twenty days to pay the monies into the Exchequer; and to be allowed 2 d. in the pound. — Collectors to have 3 d. in the pound. Commissioners may levy by distress, in case of refusal of payment. Distress to be kept four days at the owner's charge; then appraised and sold, and the over-plus returned, &c. Commissioners to determine differences about distresses. For want of distress offender may be committed (except a peer or peeress of Great Britain). — Tenants to pay the tax, and deduct so much out of the rents. — Tenants discharged for what they so pay. Commissioners to settle differences between landlord and tenant. Commissioners to cause all deficiencies to be reassessed, and made good. — Assessor required to serve, to forfeit not exceeding 40 l. fine not to be discharged but by commissioners who imposed it; and levied by distress or imprisonment, and paid into the Exchequer, and inserted in the duplicates. — Collectors detaining the money, to be imprisoned. their estates seized and sold, &c. — Commissioners to examine whether the sums assessed be duly collected, &c. — In case of controversies in assising commissioners, the commissioners concerned to withdraw: in default to be fined, not above 20 l. — No privileged place or person exempt from this tax. Fee-farm rents, &c. to be taxed. Tenants to pay the rates — Colleges, &c. in the universities, &c. not chargeable: nor the houses or lands, which before the 25th of March 1693. did belong to Christ's hospital, &c. nor corporation of clergymen's sons, *Bromby* college, or any other hospital or almshouse. — No tenants of hospitals, &c. to claim any exemption. — Such tenants not discharged, who by leases are obliged to pay taxes. — Commissioners to determine how far lands, &c. belonging to hospitals, &c. not exempted by name, or to be charged. — All hospital &c. assessed by 4 W. and M. 1. to this aid, and 11 l. 10 s. 10 d. — Receivers of fee-farm rents, &c. to allow 2 s. per pound to the parties, without fee, on penalty of 2 l. Auditors, &c. setting tenants on paper for what ought to be allowed, or refusing allowance, to forfeit 100 l. — Such fee farm rents only to have an allowance of 4 s. per pound, as are antiently to the crown, or were purchased according to 22 Geo. 2. c. 11. The owners to allow the same to the party paying. — Lists of pensions &c. to be delivered gratis to the assessors. Taxes on pensions, &c. not paid, to be kept in the Exchequer. A true account to be kept of the money kept. — Persons to be taxed in the parishes where they dwell. — No proviso to lessen the full sum by this act to be levied. — Cont acts between landlord and tenant, touching taxes, not to be avoided. — All places to pay, where usually assessed — *Wigt. B. 10 l. 10 s. 10 d.* to be assessed in the parishes of *Skray*, Com. *Kent*, *Northmore*, Com. *Oxon*, in *Brampton*, *Charlton*, &c. in *Channington*, *Leeds*, Com. *Ebor.* in *Sk. rae*, *Omb. fley*, &c. Com. *Worcester* in *Oxfordshire* hundred. Parish of *Yardley*, in *Hullshire* hundred. Forest of *Clare*, where the first 2 s. aid was assessed. *Upton*, in *Perthshire* hundred. *Calder* and *Aire*, at *Wakefield* and *Leeds*. — Inhabitants of apartments, &c. in some to be assessed in the same proportion with those in *Lincolnshire* liberty. — General issue. Treble costs. — Where lands &c. are occupied, and no distress found, collectors may distrain at any time after. — Wood may be cut down, and sold for distresses (Timber-trees except). — Tithes, tolls, &c. not paid within six days after demand, may be seized and sold. — Receiver general returning persons, who have paid the tax, to be in arrears, forfeits treble damages to the party grieved, and to his Majesty double the sum so returned. — Commissioners to assess the assessors. — None compelled to be assessors out of the limits of the city, &c. Assessments on foreign ministers

ministers houses to be paid by the landlords. — In places extraparochial commissioners to nominate assessors and collectors, &c. — No commissioner, &c. liable to any other penalties than such as are inflicted by this act. — Commissioners not to act without taking the oaths by 1 Geo. i. &c. — acting before oaths taken 10 feit 2001. — Officers to pay, where employed, &c. — Officers in chancery to be assessed in the rolls liberty. Annuities where rated. Pensions, where payable. Personal estates, where persons resident, &c. Persons not householders, where resident. Absent persons to be rated where they were last resident. — Goods, &c. to be assessed where they shall be. — Persons doubly rated, discharged on certificate. — Not to extend to Scotland, Ireland, Jersey, or Guernsey. — Persons avoiding the tax, charged treble. — Householders to give an account of their lodgers, on forfeiture of 5l. — Shares in the New river, &c. to pay 4 s. per pound. Shares in the Fire offices, and in the lights, and the King's printing-house to pay 4 s. per pound. Merchants, bank of England, post office, &c. to be paid by the governors. — Governors, &c. of the river-waters, and water-works refusing to pay, the collectors empowered to levy the sum by distress and sale. — Papiists 18 years of age not taking the oaths 1 W. and M. to pay double: unless taken within ten days after the commissioners first meeting. — Persons of 18 years of age refusing the oath, to pay double. — Commissioners to summon suspected persons, &c. — Quakers to subscribe the declaration 1 W. and M. — Commissioners to double assess papiists, where assessors omit. — Tenants discharged from double rates. — King's bench, Marshalsea prison, &c. to be assessed in St. George's parish, &c. — Officers of the Marshalsea court refusing to pay, &c. collectors by warrant from commissioners may distrain. If no goods sufficient, officers to be imprisoned. — Fleet prison to be assessed in St. Bride's — Officers at Stoke Damrell, near Plymouth, to be assessed within the town of Plymouth, &c. — Officers of the hospital at East Stonehouse, to be assessed also within the town of Plymouth. 20l. to be paid out of the sum assessed on the said officers, in aid of the assessment on East Stonehouse. — Water-works in Southwark to be assessed in Surrey. — Water-works in Westminster to be assessed there. Offices, &c. in Whitehall and St. James's to be there assessed. — Collectors of the water-works in Colchester chargeable. Collectors for the water-works in New Windsor, chargeable. — Patent officers to bishopricks to pay where assessed in 1693. — Commissioners appointed to act, without subdividing the parish of St. Andrew Holborn, in Middlesex. The parish of St. George Hanover Square to be charged with distinct Quota from the parish of St. Martin's in the fields. Debates arising concerning the joint Quota, the commissioners who are inhabitants of either parish to withdraw, or to be fined a sum not exceeding 20l. — The parishes of St. John, St. Peter, and Berchington, to be charged in Dover liberty, according to the assessment 4 W. and M. — Lands not worth 20s. per annum not chargeable. — Collectors keeping monies in their hands, to forfeit 40l. — Receiver-general misapplying the monies to forfeit 500l. — Commissioners or the treasury, &c. not to divert the payments into the Exchequer. — No *Noli prosequi*, &c. in any suit against this act. — Commissioners to abate, where lands are over charged, and to re-assess, &c. or raise it on persons undercharged. — Receiver-general answerable for deputies. Sub collector not to travel above ten miles, &c. Receivers not nominating deputies, &c. to forfeit 100l. — Commissioners for the county at large may act for any city, &c. — Mayors, bailiffs &c. to act as commissioners specially appointed. — Members of parliament to be taxed at their mansion-houses. — First meeting for the West riding of York at Pontefract; North riding, at Thirsk; East riding at Beverley. — No commissioner capable to act in any county at large, unless rated at 100l. per annum (Merioneth, Cardigan, &c. excepted) Commissioners for Anglesea, &c. to act, if rated at 60l. per annum. — Commissioners, may act for any city, being inhabitants, or inns of court, &c. Attorneys &c. not to be commissioners, without possessing 100l. per annum. No commissioner of the city of London, or liberty of St. Martin le grand to act, unless rated at 20l. per annum of his own estate, &c. — No commissioner of the city, &c. of Westminster to act, unless rated at 20l. per annum of his own estate.



estate. — Persons disabled presuming to do, to forfeit 50l. — Collectors of the new water-works in *Exon*, chargeable. — Her Majesty the Queen not chargeable; nor her royal Highness the Princess dowager of *Wales*; nor his royal Highness the Duke of *Cumberland*, nor the princess *Amelia*. — Superannuated sea-officers not to pay, &c. nor poor knights of *Windsor*. — Residentiaries, in what cases not chargeable: nor 100l. per annum to the poor clergy of the isle of *Man*: nor pages of honour. — Receivers-general to give notice of failures in payment of the taxes. — Commissioners for *Lincoln* to act in *Lincoln-shire*; and, for the county, in *St. Martin* in *Stamford* baron. — Auditor to keep a register, &c. — Deputies to pay for principals, and on nonpayment liable to distress. — Receiver-general to give a list of money received by him, at the time and place appointed. On refusal to forfeit any sum not exceeding 20l. — Collectors may keep so much money as any two commissioners judge reasonable. — No receiver to return an *insuper* upon any county, &c. after three years for monies in arrear; but the same to be a debt on him and his securities. — Sheriff, on writs of *distingas*, to return issues after the rate of 5l. per cent. of the sum set an *insuper*: and process to issue thereupon, &c. — Water-works in *Shrewsbury* chargeable. — Who shall have the benefit only of overplus sums unchanged. — Clause for the ease of protestants, to whom lands, &c. have come, which have been doubly taxed. Where lands doubly taxed are liable only to a single assessment; commissioners on complaint to examine into the truth thereof, and to certify the same to the barons of the Exchequer, before 29th September, 1762; who are to discharge the overplus before the last day of November 1762. Certificates of the sums discharged to be produced to the commissioners at their next meeting. — Commissioners may summon collectors, who have converted land tax monies to their own use, or their heirs, &c. and on examination may issue their warrants for paying such monies to his Majesty's use. — The payments made according to the commissioners warrants, &c. shall be discharges to the collectors, or their heirs, &c. — Collectors not paying, may be imprisoned, and their estates seized and sold. — Arrears of former land-taxes to be levied by the present commissioners. — No receiver-general, or his agents, may sue the county for a robbery, unless the persons carrying the money be in company, and three at least in number. — Tolls or duties on turnpikes, not chargeable by this or any former act. — Commissioners may, before 29th September 1762, summon assessors; who have not charged their estates since 6th May 1717, and examine them upon oath, and award satisfaction, to be levied and paid to the collectors. — Commissioners, &c. to distinguish and set down the gross sums assessed for double taxes, to be transmittted in the Exchequer. — Assessments on the town of *Cambridge* to be raised on manors, &c. and on fillings, &c. on the river *Cam*. — On whom and when, yearly assessments on fairs, &c. to be collected. Distress on default of payment how to be levied. Tenants of booths, &c. to pay the rates, and deduct them out of their rents, &c.

47,954l. 1s. 2d. to be raised in *Scotland*, by an 8 months cess of 5,994l. 5s. 1d. 3q. per menssem, to be rated as the tax roll now is, or shall be settled by themselves. — The first two months cess to be paid by 24th of June 1762, second, 29th September 1762, third 25th December 1762, fourth 25th March 1763. — Commissioners for putting this act in execution in *Scotland*, the same as for the act 31 Geo. ii. &c. And execution to be done as by the said act. First meeting to be at the head burghs on 30th April 1762. — All clauses in former acts relating to the bringing in the cess, &c. to be in full force. — No persons in *Scotland* holden to produce their receipts after 3 years. — Debtor owing money in *Scotland* at 6 per cent. to retain a 6th part of 6 per cent. from 11th Nov. 1761, to 11th Nov. 1762. 47,954l. 1s. 2d. to be raised free of all charges, and to be paid at *Edinburgh*. — No person to be a commissioner of the land tax in *Scotland*, who is not enfeoff of 100l. Scots, per annum real rent in the county where he acts. Exception. Commissioners in *Scotland* to take the oaths, and subscribe the assurance. — Provost, &c. of any royal borough may act as a commissioner. — Clause of loan at 4l. per cent. — Tallies of loan to be struck, &c. Orders registered and paid in course. No fee

fee for registering, &c. — Penalty for undue preference. — No undue preference, where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. — Orders assignable. — Commissioners of the treasury empowered to prepare any number of Exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 4l. per cent. per annum. These bills to be numbered arithmetically. — Treasury to direct the course of payment for loans or Exchequer bills, and to appoint cheques, &c. — The bills to be placed as cash in the Exchequer, and to be issuable thereout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. — Tallies to be levied for bills lent into the Exchequer. — Interest to continue till payment. — Interest to cease whilst the bills are in the hands of receivers, &c. — Bills paid to receivers, &c. to be signed and dated. Interest to be allowed to the said days. The bills may be reissued, both for principal and interest. — Receivers to keep a book. — Bills filled up by indorsements, or defaced, to be exchanged. — Bills not exceeding 5000l. each to be made forth at the Exchequer. — Forging Exchequer bills, felony. — How the monies arising by this act shall be applied. — Treasury on 29 Sept. 1763, to take an account of all monies raised and discharged. — Unsatisfied monies to be paid out of the next aid, or out of the sinking fund. — Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon Exchequer bills. — Money, as brought in, to be paid to the paymasters. — Bills to be registered in course. — When interest to cease. — Paymasters liable to the controul of the treasury. — Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. — Contractors not disabled from being members of parliament. — May lower or raise the interest with consent of the treasury. Contractors how to be paid. No fee to be taken. No interest for less than one penny. — Charges to be paid out of the sinking fund: to be replaced out of the first supplies. — Clause of relief for bills lost or destroyed. — Bills discharged to be cancelled. — Sinking fund appropriated to discharge national debts incurred before 25 Dec. 1716. — Deficiency of the land tax 33 Geo. ii. how to be supplied.

## C A P. IV.

*An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty two.*

Most Gracious Sovereign,

**W**E your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty, the rates, duties, and impositions herein after mentioned; and do most humbly beseech your Majesty, That it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within and throughout that part of Great Britain called England, Wales, and town of Berwick upon Tweed, &c. &c.

Malt act of 1 Geo. iii. further continued to 24th June 1763. — Malt in Scotland to pay 3d. per bushel. Mum 10 s. per barrel. Cyder and perry made for sale, 4 s. per hoghead. How these duties are to be raised.

20,000l. to be raised in Scotland. Surplus to be added to the fisheries, &c. — This act to relate to the same day and time, as the act 2 Geo. iii. did — Malt brought from Scotland by sea, to be entered at the port of landing: brought by land, to be entered at *Berwick* or *Carlisle*. — Cyder for distilling not chargeable. Distiller to give notice to the officer when he distils cyder. — Allowances for exportation of malt. 1 W. and M. C. certificate of malt being exported, and security, allowance to be paid. Penalty on relanding, over and above the penalty of the bond, all the malt and treble the value forfeited. — Malt steeping for exportation to be kept separate till measured. Maltsters to give notice to officers, &c. — Penalty on opening the locks, &c. after malt is measured, &c. — Maltsters, on 24th June 1762, to clear out of their warehouses all malt within fifteen months. And so all future maltsters. — Clause in act 12 Anne and 6 Geo. i. 5s. per bushel penalty on all corn steeping or steeped for malt, which shall be found in the cistern or couch, so hard and compact as it could not be, unless the same had been forced together to prevent the rising — 100l. penalty on fraudulently conveying from the cistern any steeping of corn, and mixing the same with other corn charged with duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. — Penalties how to be recovered. — Buyers of cyder or perry for their private use not to be charged. — Persons selling less than 20 gallons, to be deemed retailers. — Clause of loan at 4l. per cent. Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where talies are dated or brought the same day; nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. — Commissioners of the treasury empowered to prepare any number of one common sum, or different sums, in the principal monies. — Bill to bear interest at 4l. per cent. per annum. These bills to be numbered numerically. Treasury to direct the course of payment for loans or Exchequer bills, and to appoint cheques, &c. — The bills to be placed as cash in the Exchequer — Clause in the land tax act relating to Exchequer bills, extended to this. — How the monie arising by this act shall be applied. — Treasury on the 29 Sept 1763, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aid, or out of the sinking fund, to be replaced out of the first supplies. — Deficiency of the malt tax 33 Geo. ii. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1762.

## CAP. V.

*An act for more effectually preventing the excessive use of spirituous liquors for home consumption, by laying additional duties upon spirits made in Great Britain, or imported into the same; and for better regulating and encouraging the exportation of British made spirits; and for securing the payment of the duties upon spirituous liquors.*

Preamble.

WHEREAS by an act made in the thirty-third year of the reign of his late majesty King George the Second, intituled, *An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal, flour, and bran; for encouraging the exportation of British made spirits; and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof; additional duties were laid upon spirituous liquors and* other

other provisions were made, in order, by continuing the high price of such liquors, to prevent the excessive use thereof for home consumption, at the same time that the exportation of spirituous liquors was intended to be encouraged: and whereas some of the provisions made by the said act do no less tend to enhance the price of spirits made for exportation, than the price of those made for home consumption: and whereas the present method of subjecting spirits made for exportation to the payment of duties, and in consideration thereof granting drawbacks or allowances upon exportation, has been found to be attended with many inconveniences: in order therefore more effectually to carry on the wise and salutary purposes of the said act, by providing a more convenient method of encouraging the exportation of spirituous liquors, and at the same time effectually guarding against any increase of the use thereof for home consumption, May it please your Majesty that it may be enacted; and be so enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, That from and after the twenty first day of January, one thousand seven hundred and sixty two, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, throughout the kingdom of Great Britain, for the several kinds of spirituous liquors herein after mentioned, specified, and enumerated, which shall be made in Great Britain for home consumption, or imported into Great Britain from parts beyond the seas (not being the produce of the British colonies) over and above all duties, charges, and impositions by any former act or acts of parliament thereupon respectively set, rated, and imposed, the several additional rates and duties of excise herein after mentioned and expressed; that is to say,

The additional duties following laid on spirituous liquors made or imported into Great Britain, not being the produce of the British colonies; to take place from and after 2<sup>d</sup> Jan. 1762.

For every gallon of low wines, or spirits of the first extraction, made or drawn from any sort of drink or wash brewed or made from any sort of malt or corn, or from brewers wash or tilts, or any mixture with such brewers wash or tilts, to be paid by the distillers or makers thereof, One penny.

The duties.

For every gallon of strong waters or *Aqua Vitæ*, made for sale of the materials aforesaid, or any of them, to be paid by the distillers or makers thereof, Three pence.

For every gallon of low wines, or spirits of the first extraction, made or drawn in Great Britain from any foreign or imported materials, or any mixture therewith, to be paid by the distillers or makers thereof, Three pence.

For every gallon of spirits made or drawn in Great Britain, from any foreign or imported materials, or any mixture therewith, to be paid by the distillers or makers thereof, Two pence.

For every gallon of low wines, or spirits of the first extraction, made or drawn from cyder, or any sort or kind of British materials (except those beforementioned) or any mixture therewith, to be paid by the distillers or makers thereof, One penny Three farthings.

For

For every gallon of spirits made for any use from cyder or any sort or kind of *British* materials, (except those before mentioned,) to be paid by the distillers or makers thereof, Two pence.

For every gallon of single brandy spirits or *Aqua Vitæ*, imported into *Great Britain* from beyond the seas, not being the produce of the *British* colonies, to be paid by the importer before landing, Six pence.

For every gallon of brandy spirits or *Aqua Vitæ* above proof, commonly called *Double Brandy*, imported into *Great Britain* from beyond the seas, not being the produce of the *British* colonies, to be paid by the importer before landing, One shilling.

Duties in England to be under the receipt and management of the commissioners and officers of excise there; And those in Scotland, under the commissioners and officers of excise there:

and they are empowered to appoint proper officers under them in that behalf. The monies arising thereby are to be paid into the exchequer at Westminster, separate from all other branches of the public revenues.

II. And for the better ascertaining, charging, collecting, raising, levying, and securing the rates and duties by this act imposed on the said spirituous liquors, and preventing frauds therein, be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are charged upon spirituous liquors made, extracted, and manufactured in, or imported into *England*, *Wales*, or the town of *Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenue of excise in *England* for the time being; and such of the said rates and duties as are imposed by this act, upon spirituous liquors made, extracted, and manufactured in, or imported into *Scotland*, shall be under the receipt and management of the commissioners and officers of excise in *Scotland* for the time being; and the said respective commissioners of excise, or the major part of them, have hereby power by commission, under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf; and all monies arising by the said duties in *Great Britain*, or any part thereof (the necessary charges of raising and accounting for the same excepted) shall from time to time be paid into the receipt of his Majesty's exchequer at *Westminster*, distinctly and apart from all other branches of the public revenue; and shall be subject and liable to such uses, applications, and purposes, as shall by any future act or acts of parliament be directed or appointed.

III. And whereas by a clause in the said act of parliament passed in the thirty third year of the reign of his late Majesty King George the Second, reciting, that whereas many evils had arisen to the public by reason of the compounding or rectifying of spirits, by persons practising the trade or business of making or distilling spirits from corn or grain; it was therefore enacted, That from and after the twenty first day of April, one thousand seven hundred and sixty, if any person practising the trade or business of making, extracting, or distilling low wines or spirits, from corn or grain, or any mixture therewith, or having any interest, share, or property, in any such trade or business, should directly, or indirectly, either by him or herself, or any other person or persons in trust, or for his or her benefit, rectify, compound, or make, any sort of spirits into the liquor commonly

Clause in the act 33 Geo. 2. prohibiting malt distillers to compound or rectify spirits into gin or brandy.

commonly called *Gill*, of into brandy, or any other compound spirituous liquors whatsoever, every such person should, for every such offence, forfeit and pay the sum of one hundred pounds; and that the heirs, executors, administrators or assigns, of any person who should, after the said twenty first day of April, one thousand seven hundred and sixty, have been guilty of the offence aforesaid, should not be intitled unto, or maintain any cause, action, or suit, for recovery, either in law or equity, of any sum or sums of money, debt, or demand whatsoever, on account or by reason of any interest or property in, or profit or advantage arising in respect of, spirits, made, extracted, or distilled, from corn or grain, or any rectified or compounded spirituous liquors whatsoever: and whereas it is thought expedient to answer the purposes of this act, to repeal the same clause: be it therefore enacted by the authority aforesaid, That the said recited clause, and every part thereof, shall, from and after the said twenty first day of January, one thousand seven hundred and sixty two, be, and the same is hereby repealed, and made null and void to all intents and purposes. is repealed.

IV. And, for the more effectual securing the payment of the duties upon spirits; it is hereby enacted and declared by the authority aforesaid, That from and after the said twenty first day of January, one thousand seven hundred and sixty two, no person or persons who shall either make or rectify any spirits for sale, or who shall sell or deal in any sort of spirituous liquors, shall have in his, her, or their custody or possession, or in the custody or possession of any other person or persons in trust, or for the use or benefit of him, her, or them, any still or number of stills, unless such still if a single one, or such stills taken together if more than one, shall contain at the least one hundred gallons, on pain to forfeit for every such still the sum of one hundred pounds; and that such stills as shall contain separately less than one hundred gallons shall be all placed in one room or workhouse, on pain to forfeit for every such still not so placed, the like sum of one hundred pounds; and every person and persons who shall, after the said twenty first day of January, one thousand seven hundred and sixty two, sell or deal in any liquors which are chargeable with any duty of excise, and who shall also make or distil any spirits, shall be deemed and taken, and is and are hereby declared to be a common distiller or distillers for sale, and is and are hereby required to enter his, her, and their still and stills, and shall be liable to be charged with, and to pay for, all low wines and spirits made by them the several rates and duties of excise charged by this, and all and every former act or acts for laying duties upon low wines or spirits, and be subject to the survey of the officers of excise, and to the several penalties and forfeitures imposed by this or any former act or acts of parliament now in force, in any wise relating to distillers.

No distiller, rectifier, or dealer in spirits, may have in his possession any still or stills, which separately, or together, shall contain less than 100 gallons, on penalty of 100l. and all the small or underrized stills are to be placed in one room under like penalty. Persons who shall deal in exciseable liquors, and shall also distil spirits, are declared to be common distillers; and are to enter their stills, and pay duties accordingly.

V. And, for the better encouraging the exportation of spirits made in Great Britain; be it therefore enacted by the authority aforesaid, All wash and the low wines, and spirits

therefrom, made for foreign exportation, are exempted from the duties of excise;

and no drawbacks or allowances are to be paid thereon, for the future;

except such as were shipped, &c. for exportation, before 1 Jan. 1762, &c.

Every distiller of spirits for exportation is previously to enter at the next office of excise,

all the stills, and other vessels which he shall make use of,

and his workhouses and warehouses, with the day he shall first begin to work; and is from time to time afterwards to give due notice to the proper officer,

aforesaid, That from and after the first day of January, one thousand seven hundred and sixty two, no wash which shall be brewed or made for the making of low wines, in order to extract spirits for exportation to parts beyond the seas, nor any such low wines or spirits, shall be charged or chargeable with any duty or duties of excise granted by this or any former act or acts of parliament for laying of duties upon low wines or spirits; and that from thenceforth all and every drawback, allowance, and bounty, which hath been given or granted by any former act or acts of parliament on the exportation of *British* made spirits, to parts beyond the seas, whether payable by the commissioners of excise or customs, shall cease, and be no longer payable or paid; any law or statute to the contrary notwithstanding.

VI. Provided, That nothing herein contained shall extend to prevent the payment of the drawbacks, allowances, and bounties, for such spirits as shall have been really and *bona fide* shipped or sent coastways in order for exportation, before the said twenty first day of January, one thousand seven hundred and sixty two, and which had been tried and ascertained according to the directions of the said recited act.

VII. And be it further enacted by the authority aforesaid, That from and after the said twenty first day of January, one thousand seven hundred and sixty two, all and every distiller and distillers who shall be desirous of making or distilling spirits for exportation, shall, four days at the least before he, she, or they shall begin to brew any corn or grain, or to mix any other materials for the making of wash to be distilled into low wines, in order to extract spirits for exportation, make a true and particular entry in writing at the next office of excise, within the limits whereof his, her, or their workhouse, stillhouse, storehouse, warehouse, or other place for distilling or keeping wash, low wines, or spirits, is or shall be situate, of all and every still, copper, ton, wash-back, cask, or other vessel, which he, she, or they shall make use of for the brewing, distilling, working, making, laying, or keeping, any worts, wash, low wines, or spirits, and also of the casks or vessels which every such distiller or distillers shall make use of for the brewing, holding, or keeping of the after-runnings or feints from the second extraction which shall, from time to time, be drawn from every such still; and also of all and every workhouse, stillhouse, storehouse, warehouse, or other place, by him, her, or them used for the preparing, distilling, or keeping, wash, low wines, or spirits; and in such entry shall insert the day when he, she, or they, shall intend to begin first to brew any corn or grain, or to mix any other materials for the making of wash to be distilled into low wines in order to extract spirits for exportation; and shall afterwards from time to time, during the continuance of such entry, give or leave notice in writing at the said office of excise, or with the officer of excise for the division or place where such spirits are intended to be made, four hours at the least

least before he, she, or they shall begin any such subsequent brewing or mixing; and shall insert in such notice the hour when he, she, or they shall intend to begin; and shall also, from time to time, during the continuance of such entry, give or leave notice by writing at the said excise office, or with the said officer of excise, four hours at the least before any wash is pumped up, or otherwise conveyed into the still or stills, and shall insert in such notice the hour when he, she, or they, shall intend to begin: and if he, she, or they shall neglect or refuse to make such entry as aforesaid, or shall not insert in such entry the day when he, she, or they shall intend first to brew any corn or grain, or to mix any other materials for the making of wash as aforesaid, or to give such respective notices as aforesaid, or to insert in such notices respectively the hour when he, she, or they shall intend to begin his, her, or their respective operation as aforesaid; every such distiller and distillers, for every such offence, shall forfeit and lose the sum of one hundred pounds: and if, after such entry so made, such distiller or distillers shall not begin and proceed to brew, or mix his materials as aforesaid, on the day mentioned in such entry, or within four hours next afterwards: or having given such notice or notices as aforesaid, shall not begin and proceed in such respective operations on the hour, and time or times, mentioned in such respective notices, or in two hours next afterwards; then every such entry and notice shall be, and is and are hereby declared to be, null and void; and every such distiller and distillers shall be obliged to make a fresh and like entry, or to give a fresh and like notice or notices as aforesaid: and in case any such distiller or distillers shall begin to brew any corn or grain, or to mix any materials for the purpose aforesaid, or shall pump up or otherwise convey, or cause or suffer to be pumped up or otherwise conveyed, any wash into the still or stills, without making such fresh entry, in case the first became void, or giving such fresh notice or notices respectively, in case such first notice or notices shall respectively become void: then, and in every such case, such distiller and distillers so offending, shall, for every such offence, forfeit and lose the sum of one hundred pounds.

VIII. Provided always, that nothing herein contained shall extend to permit or authorize any distiller or distillers to enter or give notice of his intention to make spirits for exportation, whose wash-still will not contain one thousand six hundred gallons, and the spirit or low wine-still eight hundred gallons; neither shall any distiller or distillers be intitled or permitted to distil spirits for exportation, although he may have made an entry as aforesaid, unless he, she, or they shall actually have distilled into spirits all the wash and low wines in his, her, or their custody or possession for the making of spirits for home consumption, at least forty eight hours before the day mentioned in such entry.

IX. And it is hereby further enacted by the authority aforesaid,

before he shall begin any subsequent brewing, &c. and a like notice before he shall pump up or convey any wash into the still;

on penalty of 100*l*.

Distiller not proceeding in his operations on the day and hours mentioned in the entry, and giving notice, &c. to make a fresh entry, and give fresh notice, &c. he proceeds therein; on penalty of 100*l*.

No distiller for exportation may enter or give notice, whose wash-still will not contain 1600 gallons, and the spirit or low wine still 800 gallons, and unless he shall have distilled into spirits all the wash and low wines in his custody for home consumption 48 hours before the day mentioned in the entry.



When the wash and low wines for spirits for exportation shall be distilled, and the spirits locked up; the distiller may withdraw his entry for exportation, and make entry anew for home consumption, and within 6 days after begin his operations accordingly; and if he acts contrary to these directions he forfeits 200*l*. Wash for spirits for exportation is to be pumped, &c. into the still in the presence of an officer; and the low wines immediately run off into an entered vessel, and there kept till gauged; and a proper cask entered and gauged, sufficient to contain the spirits extracted, is to be provided; and when the whole is collected, the spirits are to be made proof in the presence of the officer, and gauged by him; and afterwards put in casks, and secured in his presence in some entered and approved warehouse,

That when any such distiller or distillers shall be desirous of distilling any spirits for home consumption, and shall have actually distilled into spirits all the wash, low wines, and feints, in his, her, or their custody or possession, for the making of spirits for exportation, and such spirits shall be locked up in the warehouse as herein after is directed; he, she, or they, may withdraw his, her, or their entry for exportation, and shall be at liberty to make a fresh and like entry for making spirits for home consumption; and at the expiration of six days after such entry made, it shall and may be lawful for such distiller and distillers to begin to brew or mix materials for wash to be distilled into spirits for home consumption: and if any such distiller or distillers shall begin to brew or mix materials for wash to be distilled into spirits for home consumption, without having made such entry, or contrary to any of the directions of this clause, he shall, for every such offence, forfeit and lose the sum of two hundred pounds.

X. And, for the preventing of frauds, which distillers for exportation may commit, by privately removing and concealing the wash, low wines, or spirits: and in order that the officer may obtain true gauges of the same; it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of *January*, one thousand seven hundred and sixty two, no wash that shall be brewed or mixed for the extracting spirits for exportation, shall be pumped up into the still or stills, or otherwise removed from the back or vessel wherein the same was fermented, but in the presence of an officer of excise, on any pretence whatsoever; and all and every such distiller and distillers shall, and is and are hereby required to run, or draw off his, her, or their low wines immediately from the still, into an entered vessel or vessels only, and to continue them therein, so that the officers of excise may take a true gauge of such low wines; and such distiller and distillers shall each of them provide a proper cask, which shall be duly entered and gauged, into which the spirits shall run immediately from the still; which cask shall be sufficient to contain the whole produce of spirits to be extracted from each still when made up to the proper strength such spirits are required to be; and when the whole quantity of spirits shall be collected in such cask from each still, all and every such distiller and distillers shall, and is and are hereby required immediately to make up such spirits, in the presence of the officer of excise, to the strength of one to six under hydrometer proof; and a true gauge of such spirits so made up shall then be taken by the officer of excise, who shall keep an exact account thereof; and such spirits, and every part thereof, shall immediately afterwards be put into casks, and secured in the presence of the officer of the excise, in a warehouse or warehouses to be provided and duly entered at the proper office of excise, and kept for that purpose by and at the expence of such distiller and distillers, which spirits shall be kept there separate and apart from all spirits made for home consumption, and

and no spirits for home consumption shall be put into the same warehouse; and such warehouse and warehouses shall be secured under three locks and three keys to each warehouse into which the said spirits shall be carried; one of those locks to be provided by such distiller, and the other two locks to be provided by the surveyor, supervisor, or officer of excise, of the division or place where the said spirits shall be locked up, at the expence of such distiller; whereof one key of each place shall be kept by such distiller, and another by such surveyor or supervisor, and the third by such officer of excise, until the same spirits shall be delivered out for rectification, or afterwards for exportation: which warehouse and warehouses, shall be made well and sufficiently secure to the satisfaction and approbation of the respective surveyors or supervisors of excise for the time being, in whose division or district any such warehouse or warehouses shall be situate, whose approbation thereof, shall be signified in writing, under the hands of such surveyors or supervisors; and the respective surveyors or supervisors, are hereby required to attend, on reasonable notice to them given by the respective distillers in order to view the same: and if any distiller or distillers for exportation shall, contrary to the directions of this act, pump up into the still or stills, or otherwise remove any such wash as aforesaid, from the back or vessel wherein the same was fermented, but in the presence of an officer of excise, or shall not run off, or cause to be run off, his, her, or their low wines immediately from the still into an entered vessel or vessels only, or shall not continue the same in such entered vessel or vessels, so that the officers of excise may take a true gauge of such low wines, or shall neglect or refuse to provide a proper cask into which the spirits shall run immediately from the still as aforesaid, or to enter such cask, or shall run off any spirit, from the still into any cask, except such cask herein before directed to be provided, or shall, when the whole quantity of spirits shall be collected as aforesaid, neglect or refuse immediately to make up, in the presence of the officer of excise, such spirits to the strength of one to six under hydrometer proof; or shall by any ways or means prevent, hinder or obstruct the officer of excise, from taking a gauge or gauges of the wash, low wines, or spirits, or to take a sample or samples of them, or any of them, or to try the proof of the spirits (which gauges, samples, and trials of proof they are hereby impowered to take and make, as often as the commissioners of excise for the time being shall direct, and which samples shall be returned by the officers of excise, to the respective traders when the commissioners of excise shall find it expedient to give directions for that purpose) or shall neglect or refuse, immediately after the spirits are so made up to the strength aforesaid, to put such spirits into casks, and secure the same, in the presence of the officer of excise, in a warehouse or warehouses according to the directions of this act, or shall neglect or refuse to provide and keep a warehouse or warehouses for that purpose, or to secure the same well and

under three locks and keys, separate from spirits for home consumption,

until delivered out for rectification or exportation,

and the surveyors are to view, and sign their approbation of, the said warehouses.

And if contrary to these directions,

or obstructing the officer in the gauging, taking samples of the spirits, or trying the proof, &c.

sufficiently, according to the directions of this act, or to provide, and keep such warehouse and warehouses with locks and keys for securing such spirits for exportation as aforesaid, or to enter such warehouse or warehouses for that purpose at the proper office of excise, or shall make use of any warehouse or warehouses, or other place or places for keeping spirits for exportation, before the same shall have been first approved of, according to the directions of this act, or shall put into or keep in, such warehouse, or warehouses, any spirits made for home consumption; or if any such distiller or distillers, or any other person or persons whatsoever by his, her, or their order, privity, connivance, or direction, after any such spirits shall have been locked up and secured in any warehouse or warehouses for keeping spirits for exportation, shall open any of the locks or doors in the absence of the proper surveyor or supervisor and officer of excise, or shall make any way or kind of entrance into any such warehouse or warehouses, or shall remove any part whatever of the partition between any warehouse or warehouses for keeping spirits for exportation, and any other place or places whatsoever next therunto adjoining, or shall, after any such warehouse or warehouses shall have been so approved of as aforesaid, make any addition to, or any way alter the same, without notice first given to the proper surveyor or supervisor of excise of such intended addition to, or alteration in, such warehouse or warehouses, and his consent in writing first had and obtained for the same; or shall remove any of the said spirits from any locked warehouse or warehouses to any other warehouse or warehouses for keeping spirits for exportation before the same be taken out either for immediate rectification or to be immediately put on ship-board, and exported to parts beyond the seas; or shall, by any art, contrivance, or device whatsoever, remove, convey away, or conceal, or cause, procure, or suffer to be removed, conveyed away, or concealed, any of the wash, or low wines for making spirits for exportation, or any such spirits whether raw or rectified, either before the same are put into the warehouse or warehouses, or afterwards, then, and in each and every such case, such distiller and distillers for every such offence, shall forfeit and lose the sum of five hundred pounds.

or if he shall open any of the lock in the absence of the officer,

or make any way into such warehouse,

or alter the condition thereof without giving notice to the surveyor,

and his consent be first had; or shall clandestinely remove any of the spirits;

or wash, or low wines, &c.

shall forfeit 500*l*. Spirits made for exportation may be sent by the maker to the distiller, bond being not given for the due exportation thereof, and leave also had from the commissioners, and notice given to the officer.

XI. Provided always, That nothing in this act contained shall extend to hinder any maker of spirits for exportation from sending such spirits out of his locked up warehouse to any other distiller, provided such maker of spirits sending the same, and the distiller who shall receive the same, do, before such spirits are taken out of the warehouse, give bond with sufficient security, to be approved of as any other security is directed by this act to be approved, in double the value of such spirits, and double the duties they would have been liable to, if made for home consumption, for the due and fair exportation of such spirits, within three months next after the date of each respective bond, and provided leave for that purpose be first obtained in writing

from

from the commissioners of excise for the time being, and that notice thereof shall have been given to the officer of excise, twenty four hours at the least, in order that such officer may receive the same into such distiller's stock; and provided such spirits be removed with a proper certificate from an officer of excise; and when such spirit, shall be so received by such distiller, the same shall be under the like directions as to the rectification and exportation thereof, and all other matters and things, as if such spirits had been rectified and exported by the maker thereof; and such distiller shall, for breach of any of those directions, be subject to the like penalties as the maker of such spirits would have been for the like offences.

XII. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of January, one thousand seven hundred and sixty two, no raw unrectified spirits, shall be permitted to be exported; and when any such distiller or distillers, for exportation, shall be desirous to take any of his, her, or their spirits, out of any of the said warehouses, where the same shall be locked up, in order to be rectified, or when rectified, and again deposited in such warehouse or warehouses, in order to be put immediately on ship-board for exportation, he, she, or they, shall thereof give notice in writing to the surveyor or supervisor, or the officer of excise of the division or district where such spirits shall be so locked up, the space of four hours before the time he, she, or they shall design to take out the same as aforesaid, and shall also insert in the said notice, the precise day and hour of such day, when he, she, or they, shall or do intend taking any of the said spirits out of the said warehouse or warehouses, and shall also insert in such notice the quantity and quality of spirits he, she, or they, do then desire to take out, and whether such spirits are raw or rectified, and out of what particular warehouse, and whether the same are for rectification and by whom, or for immediate exportation, or to be sent coastways, and to whom and to what port, and whether for merchandise or stores; and in such case the respective surveyor or supervisor, or officer, is and are hereby required to attend pursuant to such notice at the respective places where the said spirits shall be locked up, and see the quantity of spirits taken out in pursuance of such notice, and he or they are hereby required to take an exact account of the same; and in case any such distiller or distillers, shall not begin and proceed to take the said spirits out of the said warehouse or warehouses, at the hour and time mentioned in such notice, or within two hours next after, then every such notice shall be, and is hereby declared to be void, and such distiller or distillers shall be, and is hereby obliged to give a fresh and like notice in manner aforesaid, four hours at the least before he, she, or they, shall begin to take any of the said spirits out of the said warehouse or warehouses: and in case any such distiller or distillers shall neglect or refuse to give such first notice, before he takes out any of the said spirits; or to insert in such notice the

and so as the same be removed with a certificate, &c. and distiller is thereafter liable to the same penalties for breach of directions, as the maker would have been.

Raw, unrectified spirits prohibited to be exported.

Distiller to give due notice to the proper officer, when any spirits are intended to be taken out of any warehouse, in order to be rectified, or shipped on board for exportation, &c.

and the officer is to attend and take an account thereof;

and distiller not keeping to his time, is to give fresh notice;

and failing in any of the particulars here required, forfeits 100l.

Raw spirits taken out, in pursuance of notice are to be forthwith put into the still in the officers presence, and rectified, and run off into the spirit cask; and then made up proof and gauged; and are afterwards to be put into casks, and shipped for exportation, or secured in proper warehouses.

Where the spirits can't be conveyed from the spirit cask the same day, and secured in the warehouse, the officer is to gauge the same, and take samples thereof, and secure the lid of the cask; and if any fraud shall thereupon be committed, the distiller shall pay double duties. Any of the said spirits originally intended for exportation, may, upon application to the commissioners, and payment of the duties, be taken out of the warehouses, and used for home consumption.

particulars in such notice herein before required, or to give a fresh notice in manner aforesaid, four hours at the least before he, she, or they, shall begin to take out any of the said spirits, in case he, she, or they shall not begin, and proceed to take out the said spirits at the hour and time mentioned in the said first notice, or within two hours next afterwards, such distiller or distillers shall, in every such case, for every such offence, forfeit and lose the sum of one hundred pounds.

XIII. And be it further enacted by the authority aforesaid, That when any raw spirits shall be so taken out, in pursuance of such notice, the same shall be immediately pumped up, or put, in the presence of the officer of excise, into the still or stills, and be rectified forthwith, and the spirits shall be run off immediately from the still into a like cask as is before directed to be provided and entered for the containing of spirits immediately distilled from low wines; and when the whole quantity of spirits designed to be made into brandy shall be collected in such cask from each still, the same shall be immediately made up in the presence of the officer of excise to the strength of one to six under hydrometer proof, at which strength all spirits are to be exported, and a true gauge of such spirits so made up, shall then be taken by the officer of excise, who shall keep an exact account thereof; and such spirits shall immediately afterwards be put into casks, and, in the presence of the officer of excise, either carried directly on ship-board for exportation (if intended to be immediately exported) or else into such warehouse or warehouses, to be locked up in manner aforesaid.

XIV. Provided always, and it is hereby enacted by the authority aforesaid, That in case it shall at any time so happen, that the spirits distilled for exportation in one day belonging to any distiller or distillers, cannot, for want of time, be conveyed from the spirit cask (into which they are directed to be run immediately from the still) and locked up in the warehouse or warehouses, as herein before is directed, the officer of excise shall gauge the same and secure the lid of the said spirit cask, and take samples thereof; which spirits shall be locked up in such warehouse or warehouses the next morning (if not intended for immediate exportation): and if it shall appear that any decrease has been made in the quantity or quality of the said spirits so gauged, or in case any such spirits shall have been removed in the absence of the officer of excise, in either of the said cases the distiller or distillers shall be and are hereby charged for the said spirits so decreased or removed, with double the duties such spirits would have been charged with if made for home consumption; which the officer of excise is hereby required to charge accordingly.

XV. Provided also, and it is hereby enacted by the authority aforesaid, That if any such distiller or distillers, after he, she, or they have deposited any spirits made for exportation (whether raw or rectified) in manner aforesaid, in such warehouse or warehouses, shall be desirous of using any such spirits for home consumption, and shall signify such desire to the commissioners,

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tioners of excise for the time being, it shall and may be lawful for the said commissioners, or any two of them, to direct the quantity of spirits desired to be taken out of such warehouse or warehouses, and delivered to such distiller or distillers, he, they, or they having first duly paid to the proper officer of excise appointed to receive the duties on low wines and spirits, the sum of forty pounds, and ten shillings, for each tun of such spirits of the strength they were taken into such warehouse; *videlicet*, one to six under hydrometer proof.

XVI. And for the purposes of this act, it is hereby enacted by the authority aforesaid, That each gallon of brandy, or spirits of the strength of one to six under hydrometer proof, shall be taken and reckoned at seven pounds and thirteen ounces the gallon.

A gallon of brandy, or proof spirit, to be reckoned at 7 lb. 13 oz. the gallon.

XVII. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of *January*, one thousand seven hundred and sixty two, when any quantity of raw spirits shall, in pursuance of any notice, be delivered out of the warehouse or warehouses, in order to rectify the same, as many gallons of rectified spirits, and of the same strength when made up, shall be produced, as such quantity amounted to when taken out of the warehouse or warehouses, allowing only for the feints; and the commissioners of excise for the time being are hereby authorized and required to make just allowances for necessary waste, and the difference that will arise between gauging and weighing spirits; which feints shall also be run off from the still directly into one large entered feint cask, and shall be immediately gauged as soon as the still is off, and an account thereof taken by the officer of excise, and kept in stock by him, who shall and may take a sample or samples of such feints; which feints shall be in like manner locked up in such warehouse or warehouses, and shall be there put into one or more large casks to be provided by such distiller or distillers, and marked with the word *feints*; and every such distiller and distillers shall, once a month at least, distil all his feints, and make up the spirits to be produced therefrom of the strength of one to six under hydrometer proof; and all such spirits shall then be locked up, or exported as other spirits for exportation are hereby directed to be.

The same quantity of rectified spirits is to be produced, as was delivered out of raw spirits to be rectified, allowing for the feints. Allowances to be made also for waste, and the difference between gauging and weighing spirits.

XVIII. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of *January*, one thousand seven hundred and sixty two, in order the more effectually to prevent such distillers from fraudulently removing wash, low wines, or spirits, if any decrease shall at any time or times appear to be found in the wash of any distiller or distillers, brewed or made for the distilling of spirits for exportation (except such decrease as shall be made appear to the satisfaction of the commissioners of excise for the time being, to have really and truly arisen from accidents) such distiller or distillers shall be, and is and are hereby charged with a double duty for the quantity of low wines and spirits such wash so de-

Feints to be run off into the feint cask, and gauged, and kept in stock, and secured; and samples taken by the officer; and to be all distilled once a month, at least, made into proof spirits; and then locked up, or exported. Distiller to pay double duty, for any fraudulent decrease of wash or spirits for exportation,

to be computed according to the quantity such wash would make of low wines and spirits for home consumption; and to pay double duty, in like manner, for any fraudulent decrease in his stock of spirits made for exportation.

Officer to secure the still and other vessels from being fraudulently made use of in his absence;

and the spirits from being secreted.

On delivery of spirits to be sent coastways, with certificate for exportation, the distiller is to give bond and security for the due landing thereof in the port where entered for.

creased is presumed to make: and the officers of excise are hereby required in such case, to make such charge accordingly, calculating such wash so found to be decreased, to produce the same quantity of low wines and spirits as wash is presumed to do when spirits are made for home consumption: and if any decrease shall at any time or times appear in the stock of spirits made for exportation, belonging to any such distiller or distillers except such as can or may be accounted for by the certificates of the proper officer or officers either as being exported as merchandise, or for stores, or as being taken out for home consumption, on payment of duties by the consent of the commissioners of excise, or by any allowance the said commissioners shall have made to any such distiller or distillers, for or by reason of waste, or any difference which may have arisen between gauge and weight, or by being sent coastways for exportation, or by being sent, with the consent of the commissioners of excise, to any other distiller, in order to be rectified for exportation, every such distiller and distillers shall be charged, and the officers of excise are hereby required to charge him, her, or them, for all the spirits so found to be decreased and not properly accounted for, with double the duties such spirits would have been charged with if made for home consumption: and the more effectually to prevent such distillers from working in the absence of the officers of excise, every such distiller and distillers is and are hereby required to permit the officer of excise to secure the head and heads of his, her, or their still or stills, when such still or stills, are not at work, and also the pump or pumps for charging the still or stills, and emptying the low wine and spirit cask, so as to prevent the same being used in the absence of the officer, and also to secure the lid or head of the low wine and spirit casks, and the safe at the end of the worm, to prevent any spirits or low wines being secreted, whilst the still is at work, all which the said officers are hereby empowered to do.

XIX. And be it further enacted by the authority aforesaid, That when spirits made for exportation shall be delivered out of any warehouse or warehouses so secured as aforesaid to be sent coastways (with a certificate from the proper officer) in order for exportation to foreign parts from any port of this kingdom, the distiller or distillers out of whose warehouse such spirits were delivered, shall, on taking out the same, give bond, with sufficient security, to his Majesty, his heirs, and successors, to be approved of by the respective commissioners of excise for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the spirits, and double the duties which are payable for the like spirits distilled for home consumption, that the same spirits and every part thereof, shall (the danger of the seas and enemies excepted) be really and truly landed in such port of this kingdom, for which the same shall be entered; and such bonds so entered into, shall not be discharged or be delivered up until a certificate shall be produced from

from the chief officer of excise of the port for which such spirits were entered, testifying the landing thereof, and describing the number of the casks or other package containing the spirits, and the particular marks of such casks or package, and the exact quantity of spirits landed; and also testifying that the master, mate, purser, or other person, having the charge of the ship or vessel during the voyage in which the said spirits were sent coastways, had made oath before him that the said spirits, and every part thereof were fairly landed there, and that at the time of landing they were of the same quality as when shipped on board, and that no part of such spirits had been wilfully or fraudulently diminished, relanded, or unshipped, since the same were put on board (which oath the said respective officers of excise are hereby impowered to administer) and also testifying that the same spirits, and every part thereof, were really and truly, since their arrival there, exported from thence to foreign parts; and the condition of all such coast bonds shall be, to produce such certificate in six months from the date thereof; and such spirits so to be sent coastways, when landed at the port for which they were entered, shall be, immediately on the landing thereof, put into a proper warehouse, and there continued until the same shall be exported, and shall be secured by the person to whom they are sent, and by the said chief officer of excise, by two different locks and keys, one of which said keys shall be kept by the said person, and the other by the said officers; which warehouse lock and keys shall be provided by the persons to whom the spirits were sent; and all masters, commanders, and other persons, belonging to any ship or vessel carrying goods coastways, who shall assist or connive at the fraudulent landing, embezzeling, or diminishing, any spirits sent coastways, and all other persons assisting or otherwise concerned in the unshipping the same, or to whose hands the same shall knowingly come, are hereby declared to be subject and liable to all the like pains, penalties, and forfeitures, as are inflicted by any former act or acts of parliament for enforcing the fair exportation of spirits to foreign parts.

XX. And for the further encouragement of the exportation of spirits made or drawn in *Great Britain* from corn, be it enacted by the authority aforesaid, That from and after the twenty first day of *January*, one thousand seven hundred and sixty two, there shall be a bounty of three pounds and twelve shillings for every tun of spirits so drawn or made in *Great Britain* from corn which shall be exported as merchandize to parts beyond the seas; and upon oath being made before any two or more of the commissioners of excise, or justices of the peace for the county or place from whence any such spirits are intended to be exported, that the same were drawn and made in *Great Britain* from corn under the regulations of this act, and not mixed with any other materials, except what were necessary for rectifying the same; and that since the making thereof the same have been properly secured in a warehouse or warehouses according to the directions

Bonds not to be discharged, till a certificate, conditioned to be returned in 6 months, be produced from the proper officer of the landing the same accordingly, and of oath, being made by the master that the same were fairly landed there, without any fraud in the quantity or quality of the spirits;

and proof that the same have since been exported from thence to foreign parts;

and the spirits, on their landing, are to be secured in a proper warehouse till exported.

Masters, and others, concerned in the fraudulent landing, or embezzeling spirits sent coastways, are liable to penalties.

A bounty of 3l. 12s. per tun, is allowed on all British spirits made from corn, exported as merchandize to foreign parts; oath being made of a due conformity to the regulations of this act;



and a certificate produced from the proper officer of the quantity shipped.

of this act; and that the same are to be exported for merchandise to be spent beyond the seas; and upon producing a certificate under the hand or hands of the officer or officers of excise for the port or place where such spirits were shipped, of the quantities so shipped, and that the same were shipped in the presence of such officer or officers, the distiller or distillers shall be paid by the commissioners of excise, or their collector for the port or place where such spirits shall be shipped, the said bounty of three pounds twelve shillings for every tun of such spirits so shipped off; and so in proportion for any greater or less quantity.

Spirits shipped for store be openly stowed, while the vessel is in port, that the officers may examine the same, on forfeiture of double duty; to be paid by the master. On entry of spirits made for exportation for Ireland, America, Africa, or parts in Europe, like bonds are to be given, certificates produced, and proofs made, as are required in similar cases on exportation of spirits, by the recited act of 33 Geo. II.

excepting as to the penalty which is to be double the value, and double the duties, and till bond is entered into by the exporter, the distiller is liable to the double duties.

XXI. And whereas spirits shipped for stores are frequently concealed from the sight of the officers of excise, under pretence of the same being put or placed beneath other goods, which gives an opportunity to defraud the revenue; be it therefore enacted by the authority aforesaid, That from and after the said twenty first day of *January*, one thousand seven hundred and sixty two, all such spirits as shall be shipped for stores shall, during the time the ship or vessel is or shall be within the limits of any port of this kingdom, be openly stowed and kept so that the officers of excise may at any time examine the same, on pain of forfeiting the double duty of all such stores which shall not be so stowed and kept, or produced and shewn to the officers of excise; which said double duty shall be charged by the officers of excise for such stores which shall not be so stowed, and kept or produced and shewn, according to the rate such spirits would have been charged with, if made for home consumption; and which charge shall be paid by the master of the ship or vessel on board of which such stores were shipped: and when any spirits made for exportation shall be entered for exportation to *Ireland*, or his Majesty's plantations in *America*, or to any other parts beyond the seas in *Europe*, or to any parts beyond the seas in *Africa*, the exporter or exporters thereof, when the whole quantity of spirits intended at that time to be exported shall be shipped, shall immediately give and enter into such and the like bonds for the due and fair exportation of such spirits, and produce such certificates within the respective times, and make such proofs as were respectively required to be given, entered into, produced and made, by the said herein in part recited act of the thirty third year of the reign of his said late Majesty King *George* the Second, on the exportation of spirits to the respective places before-mentioned, in pursuance of the directions of that act; except only that the penalty in every bond so to be entered into in pursuance of this act, shall be double the value of the spirits entered for exportation, and double the duties such spirits ought to have paid, if they had been made for home consumption; and until such bond shall be entered into by the exporter or exporters, the distiller or distillers, from whose warehouse such spirits were sent, shall be and are hereby charged for such quantity of spirits so shipped for exportation, with double the duties such spirits would have been charged with if made for home consumption; and such charge shall not be discharged until such

London shall be entered into : And when any *British* made or foreign spirits shall be entered for exportation to any parts beyond the seas in *Asia*, the exporter or exporters thereof, when the whole quantity of spirits intended at that time to be exported shall be shipped, shall immediately give and enter into a bond of the like tenor and condition, with the like security, and make the like proof as was required to be given, entered into, and made, by the said herein in part recited act, on the exportation of spirits to parts beyond the seas in *Africa*, in pursuance of the directions of that act; except only that the penalty in every bond so to be entered into in pursuance of this act, shall be double the value of the spirits entered for exportation, and double the duties such spirits ought to have been charged with, if they had been made or used for home consumption; and until such bond shall be entered into by the exporter or exporters, the distiller or distillers, from whose warehouse such spirits were sent, shall be and are hereby charged for such quantity of spirits so shipped for exportation, with double the duties such spirits would have been charged with, if made for home consumption; and such charge shall not be discharged until such bond shall be entered into; and also except that the proof of the due exportation of such spirits shall not be required to be made till the end of three years from the date of such respective bond; and all and every person and persons authorized by the said in part recited act to administer any oath or oaths in any ways relating to the due exportation of spirits under the directions of that act, shall be and are hereby empowered to administer the like oaths for the purposes of this act.

Bonds, &c. for spirits entered for *Asia*,

to be of like tenor and condition with those required by the recited act for spirits entered for *Africa*,

except as to the penalty;

and until bond is entered into, the distiller is liable to the duties, &c.

Power of administering oaths in these cases, the same as under the recited act.

XXII. And it is hereby further enacted by the authority aforesaid, That if any distiller or distillers, or any other person or persons shall obstruct, molest, let, or hinder any officer of excise, in the due execution of the powers or authorities, or any of them, given by this act, all and every person and persons so offending, shall for every such offence, forfeit and lose the sum of one hundred pounds.

Penalty of obstructing an officer in the execution of his duty, 100l.

XXIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of king Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service and purveyance, and for settling a revenue upon his Majesty in lieu thereof*) or by any other law now in force, relating to his Majesty's revenue of excise upon beer, ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing, frauds relating thereto, or in any wise relating to the due and fair exportation of spirits to foreign parts (not otherwise altered by this act) shall be exercised, practised, applied

The powers, rules, penalties, and clauses, &c. in act 12 Car. 2. or in any other law of excise now in force, extended to this act.

plied, used, imposed, levied, recovered, and put in execution; for the securing, enforcing, managing, raising, levying, collecting, paying, mitigating, adjudging, ascertaining, and recovering the duties and penalties hereby granted, and for preventing, detecting, and punishing frauds relating thereto, or in any wise relating to the due and fair exportation of spirits to foreign parts; as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this present act.

Recovery, mitigation, and application of penalties, in general.

XXIV. And be it further enacted and declared by the authority aforesaid, That all fines penalties, and forfeitures imposed by this act, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise (not otherwise directed by this act) or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively, and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

General issue.

XXV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act; such person and persons shall and may plead the general issue, and give this act and the special matter in evidence, in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

Treble costs.

#### CAP. VI.

*An act for the importation of salted beef, pork, and butter, into this kingdom from Ireland, for a limited time, for the supply of his Majesty's ships, transport and other ships and vessels, in his Majesty's immediate service and pay.*

Preamble.

FOR the more easy victualling of his Majesty's ships, and transport and other ships and vessels, at this time; be it enacted; and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *December*, in this present year one thousand seven hundred and sixty one, it shall and may be lawful for the commissioners for victualling his Majesty's navy, or for any person or persons having an authority under the hands

Commissioners for victualling the navy, and persons authorized by them, may

hands and seals of any three or more of them, to import any sort of salted beef, pork, and butter, into this kingdom from *Ireland*, to be applied for the sole use and supply of such seamen, marines, and other forces, as shall be on board of his Majesty's ships, and transport and other ships and vessels, in his Majesty's immediate service and pay, and to and for no other use or purpose whatsoever; and the said commissioners, and other persons authorized as aforesaid, acting according to the true intent and meaning of this act, shall be, and they are hereby, exempted from the payment of all subsidies, customs, rates, duties, and other impositions, and from all penalties, forfeitures, payments, and punishments, for or upon account of importing, or bringing of salted beef, pork, and butter, into this kingdom from *Ireland*, for the uses aforesaid; any act or acts of parliament to the contrary notwithstanding: And the said commissioners shall take care that upon the importation of such salted beef, pork, and butter, into this kingdom from *Ireland*, the same, and every part thereof, shall be deposited in his Majesty's storehouses at or nearest the port where the same shall be imported, there to be under the care and inspection of the proper officers having the care of his Majesty's stores for victualling ships and vessels in his Majesty's service, and shall be applied as is herein before directed; and the said commissioners shall cause an account to be kept of all such salted beef, pork and butter, and how the same is disposed of.

import salted beef, pork, and butter from *Ireland*, for the use of the navy, transport and other vessels in his Majesty's pay, duty-free, &c.

taking care that the same be deposited in the King's storehouses, and applied accordingly; and that an account be kept thereof, and how the same is disposed of.

II. Provided nevertheless, That if at any time it shall happen that any of the said provisions which shall be imported under the authority of this act, shall be, by the said commissioners, deemed unserviceable, then it shall and may be lawful for the said commissioners, or any three or more of them, to order and direct any person or persons they shall think proper, to sell the same, for the best price or prices that can be got; and such person or persons so authorized to sell the same shall, and he and they is and are hereby required to give a certificate or certificates in writing to the purchaser or purchasers thereof, expressing the nature and quantity of the provisions so sold, the marks of the casks, or other packages, containing the same, and the time of selling thereof; which certificate or certificates shall indemnify such purchaser and purchasers from all penalties, forfeitures, and punishments, for or upon account of such salted beef, pork, or butter, so purchased by them as aforesaid.

If any of the said provisions shall be deemed unserviceable, the commissioners may authorize the same to be sold;

the seller giving a certificate to the purchaser, of the nature and quantity thereof, &c. which shall indemnify the purchaser.

III. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority, of this act: And if it shall appear to have been so done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited,

Limitation of actions.

General issue.

nonfuit, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer, against the plaintiff, the defendant and defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

Treble costs.

This act to be in force till 24 Dec. 1762.

IV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force from the said twenty fourth day of *December*, in this present year one thousand seven hundred and sixty one, until the twenty fourth day of *December*, which shall be in the year of our Lord one thousand seven hundred and sixty two, and no longer.

## CAP. VII.

*An act for enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy, and towards naval services for the year one thousand seven hundred and sixty two.*

Most Gracious Sovereign,

Preamble.

**WE** your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, for raising the supply granted to your Majesty, towards paying off and discharging the debt of the navy, and also towards raising the supply granted to your Majesty for naval services, in the year one thousand seven hundred and sixty two; have resolved to give and grant unto your Majesty, the sum of one million five hundred thousand pounds; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent Majesty by warrant or warrants, under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the fifth day of *January*, one thousand seven hundred and sixty three, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politic or corporate; or any number of exchequer bills, to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the said sum of one million five hundred thousand pounds; in the same or like manner, form, and order, and according to the same or like rules and directions as in and by an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and sixty two*, are enacted and prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

The sum of 1,500,000 l. granted;

to be raised by loans or exchequer bills,

in like manner as loans or exchequer bills authorized by the land tax of this session;

II. And

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein after-mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the same loans or exchequer bills had been originally authorized by the said last mentioned act; or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

and all the clauses and powers, &c. in the said act relating to the loans or exchequer bills, are extended to this act.  
Exception.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued and paid at the exchequer, to the treasurer of his Majesty's navy for the time being, and applied by him for the purposes herein after-mentioned, be afterwards, at any time before the twenty sixth day of *March*, one thousand seven hundred and sixty three, received or taken, or pass or be current to any receiver or collector in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax, whatsoever, due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politic or corporate, otherwise, or on any other account than for the discharge and cancelling of such bills, in case the same shall be in due course or order of payment before the said twenty sixth day of *March*; nor shall any such receiver or collector exchange, at any time before the said twenty sixth day of *March*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills which shall have been issued and applied as aforesaid, by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money, before the said twenty sixth day of *March*; any thing in the said act made in this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty two*, or this act, contained to the contrary notwithstanding.

Exchequer bills issued to the treasurer of the navy, not to be received again in payment of any of the public revenues, or exchanged before 26 *March*, 1763.

IV. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies, for that purpose, shall not be granted before

The said loans or exchequer bills, and interest to be paid out of the first supplies granted in the next session;

otherwise to be charged on, and payable out of, the sinking fund.

fore the fifth day of July one thousand seven hundred and sixty-three, then all the said loans or exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be and are hereby charged and chargeable upon such monies, as, at any time or times, at or after the said fifth day of July one thousand seven hundred and sixty three, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose to be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

Monies issued out of the sinking fund for that purpose, to be replaced out of the first supplies.

Bank of England authorized to advance the said sum.

Act 5 & 6 Will. & Mar.

The same to be applied, viz. 1,000,000l. towards discharging the debt of the navy; and 500,000l. towards naval services.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues, composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England*, to advance or lend to his Majesty, in like manner, at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding in the whole the sum of one million five hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of king *William* and queen *Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain remissions and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France*, to the contrary thereof in any wise notwithstanding.

VII. And be it further enacted by the authority aforesaid, That the said sum of one million five hundred thousand pounds, by this act granted, shall be appropriated, and is hereby appropriated for and towards the uses and purposes herein after-mentioned; that is to say, That out of the said sum, there shall and may be issued and applied any sum or sums of money not exceeding one million, towards paying off and discharging the debt of the navy; and any sum or sums of money not exceeding five hundred thousand pounds, towards the naval services herein af-

ter-

ter-mentioned; that is to say, towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed, and to be performed; and towards sea services in the office of ordnance, performed, and to be performed; and towards ~~the~~ the ordinary of his Majesty's navy, and half-pay to sea officers; and towards maintaining nineteen thousand and sixty one marines; and towards the buildings, rebuildings, and repairs of his Majesty's ships, for the year one thousand seven hundred and sixty two.

## CAP. VIII.

*An act for granting to his Majesty several rates and duties upon windows, or lights.*

Most Gracious Sovereign,

**W**HEREAS by an act made in the twentieth year of the reign of his late Majesty, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows or lights, and for raising the sum of four millions four hundred thousand pounds, by annuities to be charged on the said rates or duties; it was enacted, That there should be charged, raised, levied, and paid, unto his Majesty, his heirs, and successors, the several rates and duties upon houses, windows, or lights, in the said act mentioned; which act was explained, amended, and enforced, by two other acts, one made in the same session of parliament, and the other in the twenty first year of the reign of his said late Majesty: And whereas by an act made in the thirty first year of the reign of his said late Majesty, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses, and upon windows, or lights; and for raising the sum of five millions, by annuities, and a lottery, to be charged on the said rates and duties; it was enacted, That there should be charged, raised, levied, and paid, unto his Majesty, his heirs, and successors, the several additional rates and duties upon houses, windows, or lights, in the said act mentioned: And whereas by an act of this session of parliament, the annuities payable in respect of the sum of twelve millions advanced upon the credit of the said act, are charged upon the fund commonly called The Sinking Fund; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards making good the said annuities, or yearly payments, so charged on the said fund, have resolved to give and grant to your Majesty the several rates and duties upon windows, or lights herein after mentioned; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and sixty two, there shall be charged, raised, levied, and paid, unto his Majesty, his heirs, and successors, the several rates and duties upon windows, or lights, herein after mentioned; that is to say,

Preamble reciting clauses in the acts of 20 & 21 Geo. II.

and 31 Geo. II.

The following rates and duties to take place from and after 5 April, 1762; viz.



1s. upon every window, or light, in houses containing 8 or 9 windows, and no more; *For every window, or light, in every dwelling-house inhabited, or to be inhabited, within and throughout the whole kingdom of Great Britain, which shall contain eight or nine windows, or lights, and no more, the yearly sum of one shilling for every window, or light, in such house.*

6d. additional on all containing 10 or 11, and not more; *And for every window, or light, in every dwelling-house as aforesaid, which shall contain ten or eleven windows, or lights, and no more, the yearly sum of six pence for each window, or light in such house; over and above, and by way of addition to, the several and respective duties chargeable thereupon, by virtue of former acts of parliament made in that behalf.*

1s. additional on all containing 12, 13, or 14, and not more; *And for every window, or light, in every dwelling-house as aforesaid, which shall contain twelve, thirteen or fourteen windows, or lights, and no more, the yearly sum of one shilling for each window, or light, in such house; over and above, and by way of addition to, the several and respective duties chargeable thereupon, by virtue of former acts of parliament made in that behalf.*

3d. additional on all containing 15, 16, 17, 18, or 19, and not more. *And for every window, or light, in every dwelling-house as aforesaid, which shall contain fifteen, sixteen, seventeen, eighteen, or nineteen windows, or lights, and no more, the yearly sum of three pence for each window, or light, in such house; over and above, and by way of addition to, the several and respective duties chargeable thereupon, by virtue of former acts of parliament made in that behalf.*

Duties of this act to be raised and paid as the like duties, granted by the recited acts of 20, 21, and 31 Geo. II. are directed; *II. And be it enacted by the authority aforesaid, That the said several duties by this act imposed within and throughout the said kingdom of Great Britain, for and upon such windows or lights as aforesaid, shall be raised, levied, and collected, and paid into his Majesty's exchequer, for the purposes in this act expressed, in such and like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for raising, levying, collecting, and paying the duties on houses, windows, or lights, in and by the said several acts of parliament, made in the said twentieth, twenty first, and thirty first years of his late Majesty's reign, herein before mentioned; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the said four several acts of parliament, or any of them, for the raising, levying, collecting, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution, within and throughout the whole kingdom of Great Britain, for raising, levying, collecting, and paying the several rates and duties upon houses, windows, or lights, by this act granted, as fully and effectually, to all intents and purposes, as if the same, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this present*

and the powers, &c. in the said acts for those purposes extended to this.

present act; and that all monies arising by the said rates and duties by this act granted, the necessary charges of raising and accounting for the same excepted, shall from time to time, be paid into the receipt of his Majesty's exchequer at Westminster, *separate and apart from all other branches of the public revenue, and shall be carried to, and made part of, the fund commonly called The sinking fund, towards making good the said annuities or yearly payments, payable in respect of the said sum of twelve millions charged upon the said fund by an act of this session of parliament.*

III. And be it further enacted by the authority aforesaid, That the commissioners authorized for putting in execution the four said former acts, or either of them, for all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places respectively, within Great Britain, shall meet together at the most usual and common place of meeting within such counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places, respectively, within Great Britain, on or before the eighteenth day of April, one thousand seven hundred and sixty two, and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted, in such and the same manner, to all intents and purposes, as is prescribed by the four former acts, or either of them, with respect to the rates and duties thereby imposed.

IV. And it is hereby enacted by the authority aforesaid, That if any person or persons, shall at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited; then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

### C A P. IX.

*An act for charging certain annuities granted in the year one thousand seven hundred and sixty, on the sinking fund; and for carrying the duties therein mentioned to the said fund; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.*

WHEREAS in pursuance of an act of parliament made in the thirty third year of the reign of his late Majesty King George the Second, intituled, "An act for granting to his Majesty several duties upon malt; and for raising the sum of eight millions by way of annuities and a lottery, to be charged on the said duties; and to prevent the fraudulent obtaining of allowances in the

The monies arising by these duties to be paid into the exchequer, separate and apart from all other branches of the public revenue, and to be carried into the Sinking Fund. Commissioners for the former acts to meet on or before 18th April, 1762, and proceed in the execution of this act.

General issue. Treble costs.

Preamble, reciting act 33 Geo. II.

"gauging of corn making into malt; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed;" several persons, bodies politic or corporate, have advanced and lent the sum of eight millions, upon the credit of the several duties upon malt, by the said act granted, for the purchase of annuities transferrable at the bank of England, after the rate of four pounds per centum per annum, for the certain term of twenty one years, and from the expiration thereof, after the rate of three pounds per centum per annum, redeemable by parliament: And whereas an additional capital of three pounds was by the said act directed to be added to every one hundred pounds advanced towards the said sum of eight millions, amounting to two hundred and forty thousand pounds, to be attended with like annuities, after the rate of four pounds per centum per annum, and three pounds per centum per annum respectively: And whereas it is thought necessary that the said principal sum of eight millions, and likewise the said additional capital amounting to two hundred and forty thousand pounds, together with the charges and expences attending the same, should be, with the consent of the proprietors thereof, to be signified within the time herein after mentioned, charged upon, and paid out of the fund commonly called The sinking fund; and that the several duties upon malt, which by the said act were made a fund for payment of the said four pounds per centum annuities, should be carried to, and made part of, the said fund, commonly called The sinking fund; May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of January, one thousand seven hundred and sixty two, the said principal sum of eight millions, borrowed upon credit of the said act, and the said additional capital amounting to two hundred and forty thousand pounds, carrying an interest after the rate of four pounds per centum per annum, for the said term of twenty one years, and from the expiration thereof, an interest after the rate of three pounds per centum per annum, together with the charges and expences attending the same, shall be charged upon, and paid out of, the fund commonly called The Sinking fund, until redemption thereof by parliament; any thing in the said act made in the thirty third year of the reign of his late Majesty, to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That such proprietors who shall not, on or before the twenty first day of June, one thousand seven hundred and sixty two, signify their dissent to the charging of their annuities on the sinking fund, in books to be opened at the bank of England for that purpose shall be deemed and taken to assent thereto; any thing to the contrary thereof in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That all the monies which have arisen since the fifth day of

The principal sum of £8,000,000 l. borrowed on the credit of the recited act; and the additional capital of 240,000 l. directed to be added thereto; are to be charged upon, and payable out of the sinking fund. Proprietors, who shall not signify their dissent by 21 June next, in books to be opened at the bank, deemed to assent thereto. The monies arisen by the

January, one thousand seven hundred and sixty two, or that shall or may hereafter arise, of the several duties upon malt, which were made a fund, for payment of four pounds *per centum per annum* as the bank of England; and also of three pounds *per centum per annum*, in manner above-mentioned, on eight millions borrowed by virtue of the said act, made in the thirty third year of the reign of his said late Majesty, towards the supply of the year one thousand seven hundred and sixty, and on the additional capital amounting to two hundred and forty thousand pounds; shall be carried to and made part of, the fund commonly called the *Sinking Fund*, and the same shall be deemed and taken to be part of the said sinking fund, and shall be issued and applied to such uses and purposes as the several excesses, surplusses, or overplus monies, composing the said sinking fund, are or may be issued and applied; any thing in the said act of the thirty third year of the reign of his said late Majesty, to the contrary thereof in any wise notwithstanding.

said duties since 5 Jan. last, or that shall hereafter arise thereby, to be carried into, and made part of, the sinking fund; and to be issued accordingly.

IV. *And whereas several bills commonly called Exchequer Bills, several tickets commonly called Lottery Tickets, several orders and certificates made forth in lieu of the said lottery tickets, and likewise for annuities of divers kinds, payable at or near the receipt of his Majesty's exchequer, as also several receipts of the cashiers of the governor and company of the bank of England, or some of them, for monies contributed there for the purchase of annuities transferrable in the books of the said governor and company, or for other monies payable there in pursuance of acts of parliament, have, by casualty or mischance, been lost, burnt, or otherwise destroyed; which exchequer bills, lottery tickets, certificates, receipts, annuity orders, and other orders of the respective denominations aforesaid, were made forth by and in pursuance of several acts of parliament in that behalf; be it therefore enacted by the authority aforesaid, That in all cases where it shall appear, by affidavit, to be made before any or either of the barons of the exchequer for the time being (who shall interrogate the deponent thereupon) to the satisfaction of such baron or barons, that any such exchequer bills, or any such tickets, certificates, receipts, annuity orders, or other orders as aforesaid, before the first day of June, one thousand seven hundred and sixty two have been, are, or shall be, lost, burnt, or otherwise destroyed, or that there be good reason to believe the same have been burnt, lost, or otherwise destroyed, it shall and may be lawful for the respective officers and persons appointed to issue or make forth such exchequer bills, tickets, certificates, receipts, annuity orders, or other orders, or to pay or discharge the same, or to issue any monies due or payable thereupon, upon producing a certificate from any or either of the said barons, of such affidavit made before him or them (which affidavit the said barons, or any or either of them, is and are hereby authorised to take; and which certificate he or they is or are hereby required to make and grant without fee or reward) and on security given to the said respective officers and persons to their good liking, to indemnify them respectively against all other persons whatsoever, for or concerning the monies specified in,*

Clause of relief for exchequer bills lottery-tickets, certificates, annuity-orders, &c. lost, burnt, or otherwise destroyed.

or due upon, such respective bill or bills, ticket or tickets, certificate or certificates, receipt or receipts, order or orders, they the said persons respectively shall, and are hereby required, to make forth duplicates of the said bills, tickets, certificates, receipts and orders, at the request of the respective owners, and to pay, satisfy, and discharge the same, and all such interest as is or shall be due on any of them carrying interest, or to make forth stock or transferrable annuities in lieu of such receipts, as he or they should have paid, satisfied, or discharged, or made forth on the said original bills, tickets, certificates, receipts, annuity orders, or other orders, if the same had been produced, and shall be allowed all such payments, sum or sums of money, in their respective accounts; and in all cases where the signing of the commissioners of his Majesty's treasury, or the lord high treasurer of Great Britain for the time being, shall be necessary for making the said duplicates, or any of them, effectual for the purposes aforesaid, it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to sign such duplicates accordingly.

## CAP. X.

*An act for raising by annuities, in manner therein mentioned, the sum of twelve millions, to be charged on the sinking fund; and for applying the surplus of certain duties on spirituous liquors, and also the monies arising from the duties on spirituous liquors, granted by an act of this session of parliament.*

Most Gracious Sovereign,

## Preamble.

The sum of  
12,000,000 l  
granted to be  
raised by an-  
nuities.

Natives or for-  
eigners, who,  
in pursuance  
of a resolution  
of the com-  
mons, have  
subscribed to-  
wards the said  
sum,

and have de-  
posited 1s.  
per cent. in  
part of their  
subscriptions,

**WE**, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely resolved to give and grant unto your Majesty the sum of twelve millions, to be raised by annuities, in such manner and form as is herein after directed; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for or towards raising the said sum of twelve millions, it shall and may be lawful to and for the several persons natives or foreigners, and bodies politic or corporate, who in pursuance of the resolution of the commons of Great Britain in parliament assembled, have, in books opened at the bank of England for that purpose, subscribed and agreed to contribute to the payment of the said sum of twelve millions, and who have, in pursuance of the said resolution, deposited with, or paid to, the cashier or cashiers of the governor and company of the bank of England for the time being, the sum of fifteen pounds *per centum*, in part of the sums by them subscribed respectively, to advance

and pay unto the said cashier or cashiers, who is and are hereby appointed the receiver or receivers of such contributions (without any further or other warrant to be sued for, had, or obtained, in that behalf) the remainder of the several sums so subscribed, at or before the respective days or times, and in the proportions, in this act limited in that behalf.

may pay the remainder, at the days, and in the proportions following:

II. And whereas it is intended that every contributor to the said twelve millions shall, for every one hundred pounds contributed, be intitled to an annuity, transferrable at the bank of *England*, after the rate of four pounds *per centum per annum*, for nineteen years, and then to stand reduced to three pounds *per centum per annum*, redeemable by parliament; and also to an annuity, transferrable at the bank of *England*, of one pound *per centum per annum*, to continue irredeemable for a certain term of ninety eight years, and then to cease; and that every such contributor shall, for every sum of eighty pounds *per centum* paid into the cashiers of the bank of *England*, upon account of his share in the said annuities, after the rate of four pounds *per centum per annum*, be intitled to one hundred pounds capital in the said stock of four pounds *per centum* annuities; and for every sum of twenty pounds paid in like manner, upon account of his share in the said annuities of one pound *per centum*, shall be intitled to an annuity of one pound, to continue for a certain term of ninety eight years, in manner above mentioned; be it enacted by the authority aforesaid, That all such contributors who have so made such deposit of fifteen pounds *per centum*, in part of the sums by them severally subscribed, as a security for their making their future payments, shall make the same accordingly, at or before the respective times or days, and in the proportions, herein after limited and appointed on that behalf; that is to say, in respect of their proportionable share of the sum of nine millions six hundred thousand pounds, to be attended with the said four pounds *per centum* annuities for nineteen years, and afterwards to be reduced to three pounds *per centum* annuities as aforesaid, the further sum of ten pounds *per centum*, being part of the said sum so remaining, on or before the tenth day of *February*, one thousand seven hundred and sixty two; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty third of *March* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty first day of *April* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty sixth day of *May* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty third day of *June* then next following; the further sum of fifteen pounds *per centum*, other part thereof, on or before the eighteenth day of *August* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the seventeenth day of *September* then next following; and the remaining sum of ten pounds *per centum*, on or before the twentieth

*viz.* in respect of the sum of 9,600,000*l.* the further sum of 10*l.* by 10 Feb.

10*l.* by 23 *March*,

10*l.* by 21 *April*,

10*l.* by 26 *May*,

10*l.* by 23 *June*,

15*l.* by 18 *August*,

10*l.* by 17 *September*,

and the remaining 10*l.* by 20 *Oct.*

And in respect of the sum of 2,400,000*l.* the further sum of 2*l.* by 10 *March*, 3*ol.* by 12 *May*, 3*ol.* by 21 *July*, their proportionable share of the sum of two millions four hundred thousand pounds, to be attended with the annuity of one pound *per centum* for ninety eight years, the further sum of twenty five pounds *per centum*, being part of the sum so remaining, on or before the tenth day of *March*, one thousand seven hundred and sixty two; the further sum of thirty pounds *per centum*, other part thereof, on or before the twelfth day of *May* then next following; and the remaining sum of thirty pounds *per centum*, on or before the twenty first day of *July* then next following.

Subscribers, for every 8*ol.* advanced towards the said sum of 9,600,000*l.* are intitled to 100*l.* capital, and an annuity thereupon of 4*l.* *per cent.* for 19 years; and after the expiration of that term, to 3*l.* *per cent.* to commence on 5 *Jan.* 1762.

III. And be it further enacted by the authority aforesaid, That the several subscribers or contributors, their executors, administrators, successors, and assigns, shall be intituled for and upon every sum of eighty pounds by them respectively advanced and paid towards the said sum of nine millions six hundred thousand pounds, to one hundred pounds capital stock at the bank of *England*, and to an annuity after the rate of four pounds *per centum per annum*, during the term of nineteen years; and after the expiration thereof, to an annuity of three pounds *per centum per annum*, and no more, for and upon every one hundred pounds of such capital stock; which said annuity of four pounds *per centum per annum*, shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty two; and from and immediately after the expiration of the said term of nineteen years, there shall be paid, instead and in lieu of such annuity, an annuity of three pounds *per centum per annum*, and no more: And that the said several subscribers or contributors, their executors, administrators, successors, and assigns, shall also be intituled, for and upon every sum of twenty pounds by them respectively advanced and paid towards the said sum of two millions four hundred thousand pounds, to an annuity after the rate of one pound for a certain term of ninety eight years; which said annuity of one pound shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty two; and the said respective annuities shall be paid by half-yearly payments, in even and equal portions, on the fifth day of *July*, and the fifth day of *January*, in each year.

And for every 2*ol.* advanced towards the said sum of 2,400,000*l.* are intitled to an annuity of 1*l.* for 98 years to commence on 5 *Jan.* 1762. Annuities to be paid half-yearly, *viz.* on 5 *July*, and 5 *Jan.*

Subscribers paying in the whole of their subscriptions towards the said sum of 9,600,000*l.* by 18 *Sept.* and towards the said sum of 2,400,000*l.* by 13 *May* 1762,

IV. And be it further enacted by the authority aforesaid, That all such subscribers or contributors, their executors, administrators, successors, and assigns respectively, paying in the whole of the sums by them respectively subscribed towards the said sum of nine millions six hundred thousand pounds, on or before the eighteenth day of *September*, one thousand seven hundred and sixty two; or paying in the whole of the sums by them respectively subscribed towards the said sum of two millions four hundred thousand pounds, on or before the thirtieth day of *May*, one thousand seven hundred and sixty two; shall be intituled to an allowance of so much money as the interest of the sum so compleating their contribution, on or before,

before the said eighteenth day of *September*, or the said thirteenth day of *May*, respectively, after the rate of three pounds *per centum per annum*, shall amount unto, from the day of completing such contribution to the twentieth day of *October* then next following, in respect of the monies paid towards the said sum of nine millions six hundred thousand pounds; and unto the twenty first day of *July* then next following, in respect of the monies paid towards the said sum of two millions four hundred thousand pounds; such allowances respectively to be paid by the said cashier or cashiers out of the monies contributed towards the said sum of twelve millions, as soon as such respective subscribers or contributors, their executors, administrators, successors, and assigns, shall have compleated such payments.

are intitled to an interest of 3l. per cent. from the times of completing their payments to 20 Oct. in respect of the said sum of 9,600,000l. and to 21 July, in respect of the said sum of 2,400,000l.

V. And be it further enacted, That all the annuities aforesaid shall be transferrable at the bank of *England*.

Annuities transferrable at the bank. Cashiers to give receipts for the sums paid in; the same made assignable before 5 Dec. 1762.

VI. And be it further enacted by the authority aforesaid, That the cashier or cashiers of the governor and company of the bank of *England*, who shall have received, or shall receive, any part of the said contributions towards the said sum of twelve millions, shall give a receipt or receipts in writing to every such contributor for all such sums; and that the receipts to be given shall be assignable by indorsement thereupon made, at any time before the fifth day of *December*, one thousand seven hundred and sixty two, and no longer.

VII. Provided always, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury, or the high treasurer for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the public use, all the monies which they have already received, and shall hereafter receive, from time to time, of and for the said sum of twelve millions, and for accounting duly for the same, and for performance of the trust hereby in them reposed; and shall, from time to time, pay all such monies as soon as he or they shall receive the same, or any part thereof, or within five days afterwards at the farthest, and shall account for the same in the exchequer, according to the due course thereof, deducting such sums as shall have been paid by him or them in pursuance of this act; for which sums so paid allowance shall be made in his or their accounts.

Cashiers to give security. monies to be paid over by them into the exchequer.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for three or more of the commissioners of the treasury, or the high treasurer for the time being, to issue and apply, from time to time, all such sums of money as shall be so paid into the receipt of his Majesty's exchequer, by the said cashier or cashiers, to such services as shall then have been voted by the commons of *Great Britain* in this present session of parliament.

The monies to be applied by the treasury to the services voted by parliament.

IX. And be it further enacted by the authority aforesaid, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being, a book or books

Books to be provided at the bank for entering con-



tributors  
names; to be  
inspected  
*gratis*.

Duplicate  
thereof  
to be trans-  
mitted into  
the auditor's  
office of the  
exchequer.

Contributors  
duly paying  
their subscrip-  
tions, are  
intituled to a  
proportional  
share of the  
annuities;

but not mak-  
ing good their  
payments  
within the  
times limited,  
they forfeit  
what they  
shall have paid  
in.

Contri-  
butors com-  
pleating their  
payments, are  
to have  
credit in the  
books of the  
bank for the  
money so  
paid;

which may  
be trans-  
ferred,

books shall be provided and kept, in which the names of the contributors shall be fairly entered; which book or books the said respective contributors, their respective executors, administrators, successors, and assigns, shall and may, from time to time, and at all seasonable times, resort to, and inspect without any fee or charge; and that the said accountant general shall, on or before the fifth day of July, one thousand seven hundred and sixty four, transmit an attested duplicate fairly written on paper of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

X. And be it further enacted by the authority aforesaid, That such contributors duly paying the whole sum or sums subscribed, at or before the respective times in this act limited in that behalf, and their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intituled, by virtue of this act, to have, receive, and enjoy, their proportionable share of the annuities by this act granted, in respect of the sums so subscribed, out of the monies appropriated by this act for payment thereof; and shall have good and sure interests and estates therein; subject nevertheless to redemption as is herein aftermentioned, concerning the said annuities of three pounds *per centum*, according to the several provisions in this act contained; and that all the annuities by this act granted, shall be free from all taxes, charges, and impositions whatsoever.

XI. Provided always, That in case any such contributors who have already deposited with, or shall hereafter pay to the said cashier or cashiers any sum or sums of money, at the times and in the manner before-mentioned, in part of the sum or sums so by them respectively subscribed; or the respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers, the residue of the sum or sums so subscribed, at the times and in the manner before-mentioned; then, and in every such case, so much of the respective sum or sums so subscribed as shall have been actually paid in part thereof, to the said cashier or cashiers, shall be forfeited for the benefit of the public, and all right and title to any annuity whatsoever in respect thereof shall be extinguished; any thing in this act contained to the contrary thereof in any wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That as soon as any contributors, their executors, administrators, successors, or assigns, shall have compleated their payments of the whole sum payable by them respectively, towards the said sum of nine millions six hundred thousand pounds, and two millions four hundred thousand pounds, respectively; the principal sum or sums so by them subscribed and paid respectively, shall forthwith be, in the books of the bank of England, placed to the credit of such respective contributors, their executors, administrators, successors, and assigns, compleating such payments respectively; and the persons to whose credit such principal

principal sums shall be so placed, their respective executors, administrators, successors, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, body or bodies politic or corporate whatsoever, in the books of the bank of *England*; and such sums shall carry the respective annuities herein before-mentioned, and shall be taken and deemed to be stock transferrable, according to the true intent and meaning of this act.

Annuities charged on the sinking fund.

XIII. And be it further enacted by the authority aforesaid, That the several annuities which by this act are granted and made payable, in respect of the sum of twelve millions, until redemption thereof by parliament, in manner herein mentioned, shall be charged and chargeable upon, and payable out of, the monies which shall from time to time arise, and be remaining in the receipt of his Majesty's exchequer, or of for the surpluses, excesses, overplus monies, and other revenues composing the fund commonly called *The sinking fund*; and the said surpluses, excesses, overplus monies, and other revenues, are hereby appropriated for that purpose accordingly.

XIV. And, for the more easy and sure payment of all the annuities established by this act, be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall, from time to time, during the continuance of the said annuities, after the rate of four pounds for every one hundred pounds, capital stock, and until the said annuities, after the rate of three pounds for every such one hundred pounds capital stock, shall be redeemed, and until the said annuities for the certain term of ninety eight years shall be determined, appoint and employ one or more sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments herein directed to be made out of the said monies, shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, and obtained, in that behalf, from time to time, at the respective days of payment in this act appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors, for the time being, by way of imprest, and upon account, for the payment of the said several and respective annuities, payable by virtue of this act; and that such cashier or cashiers, to whom the said money shall from time to time be issued, shall, from time to time, without delay, pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

Bank to employ a chief cashier, and accomptant-general, for the purposes of this act.

Treasury to issue monies upon account, for payment of the annuities to the said cashier;

who is to pay the same accordingly, and account with the exchequer.

XV. And be it further enacted by the authority aforesaid, That

Accomptant-general to examine all receipts and payments of the cashier, with the vouchers. Annuities deemed a personal estate.

That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence, or delay; and that all persons who shall be intituled to any of the annuities hereby granted, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, which shall not be defendible to heirs, nor liable to any foreign attachment by the custom of London, or otherwise; any law, statute, or custom, to the contrary notwithstanding.

Annuities, with respect to the said sum of 9,600,000*l.*

are made one joint stock, transferrable at the bank, with those granted by the act of 33 Geo. II. &c.

subject to redemption by parliament.

XVI. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall become intituled by virtue of this act, in respect of any sum advanced or contributed towards the said sum of nine millions six hundred thousand pounds, on which the said annuities of four pounds, or of three pounds *per cent. per Annum* shall be attending, shall be added to, and made one joint stock of transferrable annuities at the bank of England, with the annuities granted by an act made in the thirty third year of the reign of his late Majesty King George the Second; and which by an act made in this present session of parliament, intituled, *An act for charging certain annuities granted in the year one thousand seven hundred and sixty, on the sinking fund; and for carrying the duties therein mentioned to the said fund; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed*; are charged upon and made payable out of the sinking fund; and also with such other four pounds *per centum* annuities transferrable at the bank of England, as shall, by any other act of this present session of parliament, be charged upon, and made payable out of, the sinking fund; subject nevertheless to redemption by parliament, in such manner, and upon such notice, as in the said act made in the thirty third year of his late Majesty's reign is directed, with respect to the redemption of the annuities thereby granted; and that all and every person and persons, and corporations whatsoever, in proportion to the money to which he, she, or they, shall become intituled as aforesaid, by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said joint stock of annuities.

Books to be kept at the accomptant-general's office for entering all assignments and transfers. Method of transferring.

XVII. And be it further enacted by the authority aforesaid, That books shall be constantly kept by the said accomptant general for the time being, wherein all assignments or transfers of all sums advanced or contributed towards the said sum of nine millions six hundred thousand pounds, and two millions four hundred thousand pounds respectively, shall, at all seasonable times, be entered and registered; which entry shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by their respective attorney or attorneys thereunto lawfully authorized, in writing, under his or their hand and seal, or hands and seals, to be attested by two or more credible wit-

nesses; and that the several persons to whom such transfers shall be made; shall respectively underwrite their acceptance thereof; and that no other method of assigning and transferring the said annuities; or any part thereof, or any interest therein, shall be good or available in law.

XVIII. Provided also, That all persons possessed of any share or interest in either of the said stocks of annuities, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that no payment shall be made upon any such devise, till so much of the said will as relates to such share, estate, or interest, in the said stocks of annuities, be entered in the said office; and that, in default of such transfer or devise, such share, estate, or interest, in the said stocks of annuities, shall go to the executors, administrators, successors, and assigns; and that no stamp duties whatsoever shall be charged on any of the said transfers; any law or statute to the contrary notwithstanding.

XIX. provided always, and be it enacted by the authority aforesaid, That out of the monies arising from the contributions towards raising the said sum of twelve millions, any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall have power to discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances as shall be thought proper, for the service, pains, and labour, of the said cashier or cashiers, for receiving, paying, and accounting for, the said contributions; and also shall have power to make, out of the sinking fund, such further allowances as shall be judged reasonable, for the service, pains, and labour, of the said cashier or cashiers for receiving, paying, and accounting for, the said annuities, payable by virtue of this act; and also for the service, pains, and labour, of the said accountant general, for performing the trust reposed in him by this act; all which allowances to be made as aforesaid, in respect to the service, pains, and labour, of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

XX. Provided always, and be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, notwithstanding the redemption of all or any of their own funds, in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, till all the annuities payable in respect of the said sum of nine millions six hundred thousand pounds, shall be redeemed by parliament as aforesaid, and until the said annuities attending the said sum of two millions four hundred thousand pounds, for the said term of ninety eight years, shall be determined; and that the said governor and company of the bank of *England*, or any member

Shares or interest in either of the said stocks may be devised by will. In default of such transfer or devise, executors, &c. intitled thereto.

Transfers to be without stamps.

Treasury empowered to discharge all incident charges attending the execution of this act; and to settle the allowances for the cashiers, and other officers, and accountant-general; the same to be at the disposal, &c. of the governor and company of the bank.

Bank to continue a corporation, notwithstanding a redemption of their own funds, till the said annuities shall be redeemed and determined.

member thereof, shall not incur any disability, for or by reason of their doing any matter or thing in pursuance of this act.

No fee to be taken or demanded for receiving or paying the contribution-money; or paying, &c. the several annuities, &c. on penalty of 20*l*. and full costs of suit.

XXI. And be it further enacted, That no fee, reward, or gratuity whatsoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them, or for any transfer of any sum great or small to be made in pursuance of this act; upon pain that any offender, or person offending, by taking or demanding any such fee or reward, or gratuity, shall forfeit the sum of twenty pounds to the party aggrieved, with full costs of suit; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance shall be granted or allowed.

Recital of clause in act 16 Geo. II. concerning spirituous liquors; &c.

Lottery act of 16 Geo. II.

Spirituous liquors of 17 Geo. II.

Lottery act of 17 Geo. II.

XXII. And whereas by an act made in the sixteenth year of the reign of his late Majesty King George the Second, intituled, "*An act for repealing certain duties upon spirituous liquors, and on licences for retailing the same, and for laying other duties on spirituous liquors, and on licences to retail the said liquors;*" certain rates and duties were laid upon spirituous liquors: And whereas by another act made in the same session of parliament, intituled, "*An act for raising, by annuities and a lottery in manner therein mentioned, the sum of one million eight hundred thousand pounds, at three pounds per centum per annum, for the service of the year one thousand seven hundred and forty three,*" the said rates and duties upon spirituous liquors were charged with, and made subject and liable to, the payment of the annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England, which by the said act were granted, in respect of the principal sum of one million eight hundred thousand pounds, advanced upon the credit of the said rates and duties; and the surplus or remainder of the monies arising by the said rates and duties, after satisfying, or reserving money sufficient to satisfy, the said several and respective annuities, and all arrears thereof, was by the said act reserved for the disposition of parliament: And whereas by an act made in the seventeenth year of his said late Majesty's reign, intituled, "*An act for granting to his Majesty the surplus or remainder of the monies arisen, or to arise by the duties on spirituous liquors, granted by an act of the last session of parliament, and for explaining and amending the said act in relation to the retailers of such liquors; and for establishing an agreement with the united company of merchants of England trading to the East Indies;*" the said surplus or remainder was charged with, and made subject and liable to the payment of an annuity or yearly sum of thirty thousand pounds to the united company of merchants of England trading to the East Indies, in manner therein mentioned: And whereas by another act made in the same session of parliament, intituled, "*An*

“ An act for raising by annuities and a lottery, in manner therein mentioned, the sum of one million eight hundred thousand pounds, at three pounds per centuin per annum, for the service of the year one thousand seven hundred and forty four,” the said surplus or remainder, after paying or reserving sufficient to pay to the united company of merchants of England trading to the East Indies, the said annuity or yearly payment of thirty thousand pounds, was charged with, and made subject and liable to, the payment of the annuities transferrable at the bank of England, which by the said act were granted, in respect of the principal sum of one million eight hundred thousand pounds, advanced upon the credit of the said surplus or remainder; and the surplus or remainder of the monies arising by or the said rates and duties, after satisfying, or reserving money sufficient to satisfy all the said several and respective annuities, and all arrears thereof, was by the said last-mentioned act reserved for the disposition of parliament: And whereas by an act made in the nineteenth year of his said late Majesty’s reign, intituled, “ An act for granting to his Majesty several rates and duties upon glass, and upon spirituous liquors; and for raising a certain sum of money by annuities, and a lottery, to be charged on the said rates and duties; and for obviating some doubts about making out orders at the exchequer for the monies advanced upon the credit of the salt duties, granted and continued to his Majesty by an act of the last session of parliament;” certain rates and duties were laid upon glass and upon spirituous liquors, and the said rates and duties were by the said act charged with, and made subject and liable to, the payment of the annuities transferrable at the bank of England, which by the said act were granted in respect of the principal sum of three millions, advanced upon the credit of the said rates and duties; and were also charged with, and made subject and liable to, the payment of the yearly sum of forty five thousand pounds, for answering and paying the annuities for lives, payable at the exchequer, granted by the said act; and the surplus or remainder of the monies arising by the said rates and duties, after satisfying or reserving money sufficient to satisfy all the said several and respective annuities, was by the said act reserved for the disposition of parliament: and whereas by an act made in the twenty fourth year of his said late Majesty’s reign, intituled, “ An act for granting to his Majesty an additional duty upon spirituous liquors, and upon licences for retailing the same; and for repealing the act of the twentieth year of his present Majesty’s reign, intituled, An act for granting a duty to his Majesty to be paid by distillers upon licences to be taken out by them for retailing spirituous liquors; and for the more effectually restraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of Saint Mary le Bon, in the county of Middlesex, shall be under the inspection of the head office of excise;” certain additional rates and duties were laid upon spirituous liquors, and the said rates and duties were, by the said act, made subject and liable to the same uses and purposes as the then subsisting duties on spirituous liquors were at that time liable and appropriated unto: and whereas by an act

Glass and  
spirituous  
liquors of 19  
Geo. II.

Spirituous li-  
quors of  
24 Geo. II.;

Annuity act  
of 25 Geo. II.;

act made in the twenty fifth year of his said late Majesty's reign, intituled, "*An act for converting the several annuities therein mentioned, into several joint stocks of annuities, transferrable at the bank of England, to be charged on the sinking fund; and also for consolidating the several other annuities, therein mentioned, into several joint stocks of annuities, transferrable at the South sea house;*" all the said several and respective annuities transferrable at the bank of England, herein before mentioned to have been charged upon any of the several rates and duties upon spirituous liquors, were, from the time in the said act mentioned, charged upon, and directed to be paid out of, the sinking fund; and such of the said rates and duties upon spirituous liquors as had been granted and appropriated by the several and respective acts, in the said last-mentioned act before recited; that is to say, by the acts which have been herein before mentioned to have been made in the sixteenth, seventeenth, and nineteenth years of his said late Majesty's reign, for payment of the said several and respective annuities transferrable at the bank of England, as aforesaid, were directed to be carried to, and made part of, the said sinking fund, after reserving sufficient to pay the annuities for lives at the exchequer, and other charges and incumbrances charged on the said rates and duties: and whereas the rates and duties on spirituous liquors granted by the said act of the twenty fourth year of his said late Majesty's reign, not being by the said act of the twenty fourth year of his said late Majesty's reign, directed to be carried to, and made part of, the sinking fund, still remaining subject and liable, in common with the former rates and duties on spirituous liquors, to the payment of such charges and incumbrances originally charged upon the said rates and duties on spirituous liquors, as had not been by virtue of the said act of the twenty fifth year of the reign of his said late Majesty transferred to the sinking fund; that is to say, to the payment of the annuity of thirty thousand pounds to the East India company; and also to the yearly payment of forty five thousand pounds, for answering and paying certain annuities for lives, payable at the exchequer; and the surplus of the said rates and duties granted by the act of the twenty fourth year of the reign of his said late Majesty, still remained, by virtue of the several acts herein before recited, reserved for the disposition of parliament: and whereas by an act of the thirty third year of the reign of his said late Majesty, intituled, "*An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal flour, and bran; for encouraging the exportation of British made spirits; and for more effectually securing the duties payable upon spirits; and preventing the fraudulent relanding or importation thereof;*" certain farther additional rates and duties were laid on spirituous liquors, and were, by the said act, directed to be appropriated and applied to the same uses and purposes as the then subsisting duties on spirituous liquors were, at that time, applicable and appropriated unto; so that as well the sur-

Spirituous  
liquors of 33  
Geo. II.

plus or remainder of the monies arising or to arise from the said rates and duties upon spirituous liquors granted by the said act of the twenty fourth year of the reign of his said late Majesty, as from those granted by the said act of the thirty third year of his said late Majesty, after satisfying the said annuities or yearly payments of thirty thousand pounds, and forty five thousand pounds, to the payment of which all the duties on spirituous liquors, granted by the several acts herein before mentioned, stand in the first place liable and appropriated, do, by virtue of the said several act, stand reserved for the disposition of parliament and will create the annuity payable by virtue of this act in respect of the sum of twelve millions, whereby charged upon, and directed to be paid out of the sinking fund, be it therefore enacted by the authority aforesaid, That from and after the fifth day of January, one thousand seven hundred and sixty two, the surplus or remainder of the monies which shall, from time to time, arise by the said rates and duties upon spirituous liquors granted by the said acts of the twenty fourth and thirty third years of his said late Majesty's reign, after paying or reserving, from time to time, at the receipt of his Majesty's exchequer, money sufficient to satisfy and pay the said annuity of thirty thousand pounds, payable as aforesaid to the united company of merchants of England trading to the East Indies, and also the said yearly payment of forty five thousand pounds for answering the said annuities for lives, payable at the exchequer, shall be carried to, and made part of, the sinking fund, towards making good the interest or annuities charged by this act on the said fund.

XXIII. And be it further enacted by the authority aforesaid, That the monies which shall, from time to time, arise and be remaining in the receipt of his Majesty's exchequer, of the additional rates and duties on spirituous liquors, granted to his Majesty by an act of this present session of parliament, intituled, *An act for more effectually preventing the excessive use of spirituous liquors for home consumption, by laying additional duties upon spirits made in Great Britain, or imported into the same, and for better regulating and encouraging the exportation of British made spirits, and for securing the payment of the duties upon spirituous liquors*, be also carried to, and made part of, the sinking fund, towards making good the interest or annuities charged by this act on the said fund.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter, in evidence, in his or their defence or defences. And if, afterwards, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

Surplus of the monies arising by the duties on spirituous liquors, granted by the recited acts of 24 & 31 Geo II after paying the annuity of 30 000<sup>l</sup> to the India company, and 45 000<sup>l</sup> for annuities for lives payable at the exchequer, to be carried into the sinking fund. Money arising in the exchequer by the additional duties on spirituous liquors, granted by an act of this session, to be carried into the sinking fund.

General issue.

Treble costs.



## CAP. XI.

*An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.*

Preamble.

Number of  
forces 67,676,  
including  
4,008 invalids.

**W**HEREAS the raising and keeping a standing army within this kingdom in time of peace, unless it be with consent of parliament, is against law: and whereas his Majesty is engaged in a just and necessary war against France and Spain: and whereas it is judged necessary by his Majesty, and this present parliament, That a body of forces should be continued for the safety of this kingdom, the defence of the possessions of the crown of Great Britain, and the preservation of the balance of power in Europe; and that the whole number of such forces should consist of sixty seven thousand six hundred and seventy six, including four thousand and eight invalids: and whereas no man can be prejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite for the retaining such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert his Majesty's service within this realm, or the kingdom of Ireland, Jersey, Guernsey, Alderney, and Sark, or the islands thereto belonging, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and

After 24 March 1762, during the continuance of this act, every officer and private man, who shall mutiny or desert, &c. or hit in any other regiment, &c. or shall be found sleeping on, or shall desert his post, or hold illegal correspondence with the enemies of his Majesty, or shall strike, or disobey, his superior officer; shall suffer death, or such punishment as a court-martial shall inflict. — The King may grant commission to hold a court-martial, &c. — Court-martial may inflict corporal punishment for immoralities, &c. — General court-martial not to consist of less than 13; and the president to be a field officer, or officer next in seniority, not under the degree of a captain. — May administer an oath to witnesses. — Officers to be sworn. The oaths. — The judge advocate to be sworn. The oath. — In sentences of death, nine officers to concur, &c. Hours of trial. — The party tried, intitled to a copy of the sentence and proceedings of the court-martial. — Original proceedings, &c. of courts-martial to be transmitted to the judge-advocate general in London, &c. — None to be tried a second time for the same offence, except in case of appeal. — This act not to exempt soldiers from ordinary process. — Penalty on false certificates to excuse soldiers from musters. — Penalty on officers making false musters, &c. — Fictitious names allowed by his Majesty's order upon the muster-rolls for the maintenance of officers widows, not to be construed a false muster. — Muster-master to give notice of muster to a mayor, &c. — Penalty on neglect. Muster-rolls to be signed by the mayor, &c. — Penalty on persons offering themselves to be falsely mustered. — Horses falsely mustered, to be forfeited, &c. — Forfeiture how to be levied. — Officer embezzling, &c. military stores, to be cashiered, and forfeit 100l. and the damage to be made good by sale of his goods and chattels; for want of distress the person to be committed. Application of the forfeiture. — Muster-master taking a  
muster

muster, to make oath. The oath. — Muster-rolls, though transmitted without the oath indorsed to the pay-masters general, to be good vouchers to the auditor. — Penalty on agents, &c. detaining officers or soldiers pay. Weekly rates. Penalty on agents disobeying orders. — Surgeon, &c. within ten miles of *London*, &c. to certify who are sick, and commanding officers, who are employed in raising recruits. — Penalty on officers mustering persons by wrong names. — Constables, &c. to quarter officers and men in inns, alehouses, &c. but in no distillers houses, or shop-keepers, or in any private houses. Penalty on constables, &c. quartering soldiers in private houses, &c. and on officers quartering soldiers contrary to this act, &c. Persons aggrieved by being quartered on, may complain to any justices and be relieved. — No justice having any military office, to be concerned in billeting his soldiers. — Officers and soldiers to pay rates for their provisions. — What inn-holders may allow men quartered on them instead of meat. — Penalty on officers taking money to excuse the quartering. — Dragoons, &c. and their horses to be billeted in the same house. — Manner of changing men and horses. — Clause relating to a soldier's settlement for his wife and children. — Officers, &c. to be quartered in *Scotland*, as the laws in force at the union direct. — No pay master, &c. to make deductions out of officers or soldiers pay. — Exceptions. — Treasury may issue out the money due for clothing every two months. Pay masters to deduct the off-reckonings. — Officers to give notice to inn-keepers of subsistence-money in their hands. Rates of subsistence to be paid to inn-keepers, &c. for soldiers quarters. Penalty on officers not paying subsistence-money. — On non-payment of quarters the officer to make up accounts, &c. — No muster in *Westminster*, &c. but in the presence of two or more justices. — Constables, &c. may billet soldiers in *Westminster*, &c. Petty constables, &c. to quarter soldiers in their respective divisions. — Constables, &c. to deliver lists at quarter-sessions, on oath, of inhabitants, and soldiers quartered in their respective divisions, to be inspected without fee. Copies of such lists to be wrote by the clerk at 2d. per sheet, containing 150 words. Penalty on default. Penalty on giving defective lists. How to be levied. — This act to extend to *Jersey*, &c. — Muster-rolls to be closed on day of muster, and returned to the pay-master of the forces, &c. Penalty. — Justices may order constables to provide carriages. Rates for carriages. Penalty on officers forcing waggons to travel more than one day's journey, &c. — Penalty on constables, &c. neglect. — Treasurers of the county to repay the constables extraordinary charges. — The money for those purposes how to be raised. — No waggon, &c. to carry above 40 hundred weight. — Carriages in *Scotland* how to be provided. — Soldiers wives, &c. not to be quartered without consent. Penalty. — Penalty on officers or soldiers destroying the game. — How the account of every regiment shall be kept. — Penalty on pay-master, &c. — Penalty on colonels. — Non-commission officer embezzeling the soldiers pay, &c. to be reduced, &c. — Justices may commit deserters. — Reward for taking-up deserters. — Penalty on persons concealing deserters, or buying their arms, clothes, &c. — Penalty on officer breaking open house without warrant. — His Majesty empowered to make articles of war. — None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act. — Deserters beyond sea, &c. may be tried here or in *Ireland*. — This act to extend to deserters, &c. in *Ireland*, &c. — Persons acquitted by the civil magistrate may only be cashiered by a court-martial. — Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c. — Pay-masters, &c. to account with executors. — Persons sued may plead the general issue. Treble costs. — All suits to be brought in some of the courts of record at *Westminster*, or *Dublin*, or the court of session in *Scotland*. Continuance of this act. — Penalties against the act 1 Geo. I. where to be sued for. — No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l. Oath of the debt to be made before a judge, and marked on the back of the process. Plaintiff may file a common appearance. — Penalty on taking money to excuse any person from quartering; or victuallers refusing to quarter soldiers. — Justices may order constables to give an account of the number of soldiers quartered, &c. — How

troops are to pay in passing over ferries in *Scotland*. — Clause for relief of persons hastily enlisting themselves. Persons refusing the said relief, to be proceeded against, as if duly listed. — Offences against former mutiny acts punishable by this act. — None liable to be tried or punished for offences against former acts, unless committed within three years; except for desertion. — Officers, &c. of the train of artillery subject to this act. — *American* troops acting in conjunction with *British* forces, liable to the same martial laws. — Officers and soldiers of the *American* troops sent over to *Great Britain*, to be quartered and billeted as the *British* forces, and under the same regulations and penalties. — This act not to extend to the militia farther than is directed by the militia laws.

## CAP. XII.

*An act for the regulation of his Majesty's marine forces wh'te on shore.*

Preamble.

WHEREAS it may be necessary for the safety of this kingdom, and the defence of the possessions of the crown of Great Britain, That a body of marine forces should be employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain: and whereas the said marine forces may frequently be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea; yet nevertheless, it being requisite for the retaining of such forces in their duty, That an exact discipline be observed, and that marines who shall mutiny, or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of *March*, one thousand seven hundred and sixty two, if any person being entered, or in pay as an officer of marines, or who is, or shall be listed, or in pay as a private man, in any company of marines in his Majesty's service, and on the twenty fifth day of *March*, one thousand seven hundred and sixty two, shall remain in such service, or during the continuance of this act, shall be voluntarily entered, and in pay, as a marine officer or private man in his Majesty's service, and being ordered or employed in such service, at any time, during the continuance of this act, on shore, in any place within the realm of *Great Britain*, or in the kingdom of *Ireland*, or in any of his Majesty's dominions beyond the seas respectively, shall begin, excite, cause, or join in any mutiny or sedition, in the company to which he doth or shall belong, or in any other company, troop, or regiment, either of marine or land forces, in his Majesty's service, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any such mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall desert his Majesty's service; or being actually entered as a marine, in any company, shall list himself in any other company, troop, or regiment, in his Majesty's service, without first having a discharge in writing from the officer commanding in chief the company in which he last served as a marine; or shall be found sleeping upon his post, or shall leave it before

After  
25 March  
1762, during  
the continu-  
ance of this  
act, every ma-  
rine officer  
and private  
man, on shore,

who shall mu-  
tiny or desert,  
&c.

or list in any  
other regi-  
ment, &c.

or shall be

before

before relieved; or shall hold correspondence with any rebel, or enemy of his Majesty, or give them advice or intelligence of any kind, by any ways or means, or in any manner whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licence of the lord high admiral of *Great Britain*, or of three or more of the commissioners for executing the office of lord high admiral of *Great Britain* for the time being; or shall strike, or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any or either of the matters before-mentioned, on shore, in any part of this kingdom or *Ireland*, or any of his Majesty's dominions beyond the seas, shall suffer death, or such other punishment as by a court martial shall be inflicted.

II. And be it further enacted by the authority aforesaid, That it shall and may, from time to time, during the continuance of this act, be lawful to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, to grant a commission under his or their respective hand or hands, to any officer of marines in his Majesty's service, not under the degree of a field officer, for the holding a general court-martial at any place or places on shore, in this realm or in *Ireland*, or in any of his Majesty's dominions beyond the seas; in every of which courts-martial, all or any of the offences aforesaid, and all or any other of the offences herein after specified, shall be tried and proceeded against in such manner as by this act is directed.

III. And be it also enacted, That it shall and may be lawful to and for such courts-martial respectively, by their sentence or judgment, to inflict corporal punishment, not extending to life or limb, on any marine for immorality, misbehaviour, or neglect of duty on shore, in any place or places within this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, during the continuance of this act.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral, at any time during the continuance of this act, to make and establish rules and articles in writing under his or their respective hand or hands, for the punishment of mutiny and desertion, immorality, misbehaviour, and neglect of duty, in any of his Majesty's marine forces while on shore in any part of this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, and for bringing offenders against the same to justice, and to erect and constitute courts-martial, with power to try, hear, and determine, any crimes or offences specified in such rules and articles, and inflict punishments by sentence or judgment for the same, according to the true intent and meaning of this act.

V. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said rules or articles within the kingdom of *Great Britain* or *Ireland*, except but for crimes

expressed to be  
so punishable  
by this act.

General  
Court-martial  
not to consist  
of less than 13;  
and the presi-  
dent to be a  
field officer,  
or officer next  
in seniority,  
not under the  
degree of a  
captain.  
May admini-  
ster an oath to  
witnesses.  
Officers to be  
sworn.

except for such crime or crimes as is or are expressed to be so punishable by this act.

VI. And it is hereby further enacted and declared, That no general court-martial which shall have power to sit by virtue of this act, shall consist of a less number than thirteen, whereof none to be under the degree of a commission officer of marines; and the president of such court-martial shall not be under the degree of a field officer of marines, unless where such field officer cannot be had; in which case, the marine officer next in seniority to such field officer, not being under the degree of a captain, shall preside at such court-martial; and that such court-martial shall have power and authority, and are hereby required to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

VII. Provided always, That in all trials of offenders by general courts-martial, to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the holy evangelists, before the court, and judge advocate, or his deputy (who are hereby authorized to administer the same) in these words; that is to say,

The oath.

**Y**OU shall well and truly try and determine, according to the evidence which shall be given in the matter now before you, between our sovereign lord the King's Majesty, and the prisoner to be tried:  
So help you God.

The oath.

**I** A. B. do swear, That I will duly administer justice, according to an act of parliament now in force for the regulation of his Majesty's marine forces while on shore, and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour, or affection; and if any doubt shall arise, which is not explained by the said act of parliament, or the said rules and articles, according to my conscience, the best of my understanding, and the custom of war in like cases. And I further swear, That I will not divulge the sentence of the court until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law:  
So help me God.

The judge  
advocate to  
be sworn.

And so soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or to the person officiating as such, an oath in the following words:

The oath.

**I** A. B. do swear, That I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law:  
So help me God.

In sentences  
of death,  
nine officers  
to concur, &c.

And no sentence of death shall be given against any offender by any such general court-martial, as aforesaid, unless nine officers present

present shall concur therein; and if there be more officers present than thirteen, then the judgment shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning and three in the afternoon, except in cases which require an immediate example.

VIII. Provided always, That the party tried by any general court-martial to be held as aforesaid, shall be intitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same) at any time not sooner than three months after such sentence, whether such sentence be approved or not; any thing in this act to the contrary notwithstanding.

IX. And be it enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any general court-martial, to be held as aforesaid, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary of the admiralty for the time being; which original proceedings and sentence shall be by him carefully kept and preserved in the office of the admiralty of *Great Britain*, to the end that the persons intitled thereto may be enabled, upon application to the said office, to obtain copies thereof, according to the true intent and meaning of this act.

X. Provided always, and be it hereby declared and enacted, That no marine, either officer or private man, being acquitted or convicted of any offence at any such court-martial as aforesaid, shall be liable to be tried a second time by the same or any other court-martial for the same offence; and that no sentence given by any court-martial, and signed by the president thereof, be liable to be revised more than once.

XI. And be it further enacted, That if any officer or private man shall desert his majesty's service in any of his dominions beyond the seas, or elsewhere beyond the seas, and shall escape and come into this realm, or *Ireland*, before he be tried by a court-martial for such offence and shall be apprehended for the same, such officer or private man shall be tried for the same as if the said offence had been committed within this realm.

XII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to exempt any marine, either officer or private man whatsoever, while on shore, from being proceeded against by the ordinary course of law.

XIII. Provided also, and be it further enacted, That no person or persons being acquitted or convicted of any capital crimes, violences, or offences by the civil magistrate, shall be liable to be punished by a court-martial for the same otherwise than by cashiering.

XIV. Provided also, and be it further enacted, That if any marine officer, non-commission officer, or private man, shall be accused of any capital crime, or of any violence or offence against the person, estate, or property, of any of his majesty's subjects, which

Hours of trial.

The party tried, intitled to a copy of the sentence and proceedings of the court-martial.

Original proceedings, &c. of courts-martial, to be transmitted to the secretary or the admiralty, &c.

None to be tried a second time for the same offence,

Sentence not to be revised more than once.

Deserters beyond sea, &c. may be tried here or in Ireland.

This act not to exempt any on shore from ordinary process.

Persons acquitted by the civil magistrate, may only be cashiered by a court-martial. Persons accused of capital crimes, &c. &c.

be delivered  
over to the ci-  
vil magistrate,  
&c.

is punishable by the known laws of the land; the commanding officer or officers of every company, or party, is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate; and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial: and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in the apprehending such offender; every such officer so offending, and being thereof convicted before any two or more justices of the peace for the county where the fact is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial.

Fictitious  
names allow-  
ed by his Ma-  
jesty's order  
upon the mu-  
ster-rolls, for  
the mainte-  
nance of of-  
ficers' widows,  
not to be con-  
strued a false  
muster.

Paymaster to  
pay the full  
pay of such  
men to the  
receiver.

XV. And whereas his Majesty hath been graciously pleased, in compassion to the distressed condition of several widows of officers of the army, who have lost their lives in the service of the late war, or during the late rebellion, by orders made under his royal sign manual, to direct his commissary general of the musters, to allow upon the muster-rolls of all the regiments, troops, and companies, a number of fictitious names therein mentioned, instead of private men, in order to raise and settle a fund for the maintenance of such widows of officers as are or shall be intitled to his royal bounty: therefore, for the more effectually fulfilling his Majesty's said gracious intentions, with respect to the allowing of fictitious names upon the muster-rolls of the said marine forces while on shore, for the purposes aforesaid; be it further enacted and declared by the authority aforesaid, That it shall and may be lawful, during the continuance of this act, to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, by orders in writing under his or their respective hand or hands, to direct the person for the time being authorized to pay the said marine forces, to pay over the full pay of such fictitious private men as shall be allowed on the muster-rolls of the said marine forces while on shore as aforesaid, to the proper receiver appointed by his majesty, according to such orders and instructions as his majesty shall be pleased to make under his sign manual, for the purpose aforesaid; and that no allowance of any such fictitious name upon any muster-roll of the said marine forces while on shore as aforesaid, shall be construed to be a false muster; any thing in this or any former act contained to the contrary notwithstanding.

XVI. And whereas there is and may be occasion for the marching and quartering of the said marine forces in several parts of this kingdom; be it further enacted by the authority aforesaid, That

for

for and during the continuance of this act, and no longer, in pursuance of an order or orders, in writing in that behalf, under the hand of the said lord high admiral, or under the hands of three or more of the commissioners for executing the office of lord high admiral for the time being, it shall and may be lawful to and for the constables, tythingmen, headboroughs, and other chief officers and magistrates of cities, towns, and villages, and other places, within *England, Wales*, and the town of *Berwick upon Tweed*, and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village, or place, and for no others; and such constables, and other ci-

Constables,  
&c. to quarter  
officers and  
men in inns,  
ale houses,  
&c.

Magistrates as aforesaid, are hereby required to quarter and billet the marines, both officers and private men in his Majesty's service, in inns, livery stables, ale-houses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses, or places thereunto belonging, and all houses of persons selling brandy, strong waters, cyder, or metheglin, by retail, to be drank in houses, other than and except the house or houses of any distillers, who keep houses or places of distilling brandy and strong waters, and the house of any shopkeeper, whose principal dealings shall be more in other goods and merchandises, than in brandy and strong waters (so as such distillers and shopkeepers do not permit or suffer tippling in his or their houses) and in no other, and in no private houses whatsoever, without the consent of the occupier; nor shall any more billets at any time be ordered, than there are effective marines present to be quartered: and if any constable, tythingman, or such like officer or magistrate as aforesaid, shall presume to quarter or billet any such officer or private man in any such private house, without the consent of the occupier; in such case, such occupier shall have his or their remedy at law against such magistrate or officer, for the damage that such occupier shall sustain thereby: and if any marine officer shall take upon him to quarter private men otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion to any mayors, constables, or other civil officers before mentioned, tending to deter and discourage any of them from performing any part of their duty hereby required or appointed; such marine officer shall for every such offence (being thereof convicted before any two or more of the next justices of the peace of the county, by the oath of two credible witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace of the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial; and in case any person shall find himself aggrieved, in that such constable, tythingman, or headborough, chief officer, or magistrate (such chief officer or magistrate not being a justice of the peace) has quartered or billeted in his house a greater number of marines than he ought to bear

But in no distillers houses or shopkeepers, or in any private houses.

penalty on officers quartering private men contrary to this act, &c.

Persons aggrieved by being quartered on, may complain to any justices and bear



be relieved.

bear in proportion to his neighbours; and shall complain thereof to one or more justice or justices of the peace of the division, city, or liberty, where such marines are quartered; or in case such chief officer or magistrate shall be a justice of the peace, then on complaint made to two or more justices of the peace of such division, city, or liberty, such justice or justices respectively shall have, and is or are hereby declared to have power to relieve such person, by ordering such and so many of the said marines to be removed, and quartered upon such other person or persons, as they shall see cause; and such other person or persons shall be obliged to receive such marines accordingly.

Officers and marines to be furnished at the rates herein set for their provisions.

XVII. Provided nevertheless, and it is hereby enacted, That the marine officers and private men so quartered and billeted as aforesaid, shall be received and furnished with diet and small beer by the owners of the inns, livery stables, ale-houses, victualling-houses, and the houses of sellers of wine by retail, to be drank in their own houses, or places thereunto belonging, and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates herein after-mentioned to be payable out of the subsistence-money for diet and small beer.

What inn-keepers may be quartered on them, instead of.

XVIII. Provided always, That in case any innholder or other person on whom any non-commission officers or private men shall be quartered by virtue of this act (except on a march, or employed in recruiting; and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and private men who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or private men with candles, vinegar, and salt, and with either small beer or cyder, not exceeding five pints for each man *per Diem, gratis*, and allow to such non-commission officers or private men the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then, and in such case, the non-commission officers and private men so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or who shall actually receive the pay and subsistence of such non-commission officers and private men, shall pay the several sums herein after-mentioned to be payable out of the subsistence-money for diet and small beer, to the non-commission officers and private men aforesaid, and not to the innholder or other person on whom such non-commission officers and private men are quartered; any thing herein contained to the contrary notwithstanding.

Penalty on taking money to excuse any person from quartering.

XIX. Provided always, and be it enacted by the authority aforesaid, That if any marine officer shall take, or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or private men, or any of them, in any house allowed by this act, every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

XX. And

XX. And whereas it may be for the benefit of the service, for the commanding officer to have a power to exchange the billets or quarters of marines, quartered in the same town or place; be it therefore enacted by the authority aforesaid, That the commanding officer of marines, in any town or place where such marine forces are quartered, shall, and he is hereby declared to have power, from time to time, to exchange any marine or marines quartered in such town or place, for any other marine or marines quartered in the same town or place, provided the number of men do not exceed the number at that time billeted on such houses respectively, where such men shall be exchanged; and the constables, tythingmen, headboroughs, and other chief officers and magistrates, of the cities, towns, and villages, or other places where any of the said marine forces shall be quartered, are hereby required to billet such men so exchanged accordingly.

Commanding officer may exchange marines in their quarters.

Constables to billet the same accordingly.

XXI. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and sixty two, no paymaster, or other officer or person whatsoever, shall receive any fees, or make any deductions whatsoever out of the pay of any marine, either officer or private man, in his Majesty's service, or from their agents, which shall grow due from and after the said twenty fifth day of *March*, one thousand seven hundred and sixty two, other than the usual deductions for cloathing; and twelve pence in the pound to be disposed of as his Majesty shall think fit; and the one day's pay in the year for the use of the royal hospital at *Chelsea*; and such other necessary deductions as shall from time to time be directed by the said lord high admiral, or three or more of the commissioners for executing the office of lord admiral for the time being, by order in writing under his or their respective hand or hands.

No paymaster &c. to make deductions out of officers or private men's pay.

Exceptions.

XXII. And that the quarters both of the said marine officers and private men, while on shore, as aforesaid, may, during the continuance of this act, be duly paid and satisfied, and his Majesty's duties for excise better answered, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of *March*, one thousand seven hundred and sixty two, every officer or other person to whom it belongs to receive, or that shall actually receive, the pay or subsistence-money, for one or more particular company or companies of the said marine forces, or otherwise, shall immediately, upon each receipt of every particular sum which shall, from time to time, be paid, returned, or come to his or their hands, on account of pay or subsistence, give public notice thereof to all persons keeping inns, or other places where officers or private men are quartered by virtue of this act; and shall also appoint the said innkeepers, and others, to repair to their quarters at such times as they shall appoint for the distribution and payment of the said pay or subsistence-money to such officers or private men, which shall be within four days at the farthest after the receipt of the same as aforesaid; and the said innkeepers, and others, shall then and there acquaint such officer or officers with the accounts or debts (if any shall be) between them

Officers to give notice to innkeepers of subsistence-money in their hands.

Rates of subsistence to be paid to innkeepers, &c. for marines quarters.

Officers not giving notice of subsistence-money, and paying quarters,

paymaster to satisfy them out of the company's next pay,

and officer to be cashiered.

On moving from quarters, the officer to make up accounts, and give certificates for money due, &c. Paymaster to pay the sum certified for.

them and the officers and private men so quartered in their respective houses; which accounts the said officer or officer's is or are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or private men: provided the said accounts exceed not, for one marine commission officer under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling; and if such officer should have a horse or horses, for each such horse or horses, for their hay and straw, *per diem*, six pence; nor for one private man's diet and small beer, *per diem*, four pence: and if any officer or officers, as aforesaid, shall not give notice as aforesaid, and shall not immediately, upon producing such account stated, satisfy, content, and pay the same; upon complaint and oath made thereof, by any two witnesses, at the next quarter sessions for the county or city wherein such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer) the paymaster or person for the time being authorized to pay the said marine forces is hereby required and authorized (upon certificate of the said justices before whom such oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said marine officer or officers, upon penalty that such paymaster or person shall forfeit their respective place or places of paymaster or otherwise, and be discharged from holding the same for the future: and in case there shall be no arrears due to the said officer or officers, then the said paymaster or person for the time being authorized to pay the said marine forces, is hereby authorized and required to deduct the sums he shall pay, pursuant to the certificate of the said justices, out of the next pay or subsistence-money of the company to which such officer or officers shall belong; and such officer or officers shall, for such their offence, or for neglecting to give notice of the receipt of such pay or subsistence-money, as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered. And where it shall happen that the subsistence-money due to any marine officer or private man shall, by occasion of any accident, not be paid to such officer or private man; or such officer or private man shall neglect to pay the same, so that quarters cannot be, or are not paid, as this act directs; in every such case, it is hereby further enacted, That every such officer shall, before his or their departure out of his or their quarters, where such company shall remain for any time whatsoever, make up the accounts, as this act directs, with every person with whom such company shall have quartered, and sign a certificate thereof, and give the said certificate, so by him signed, to the party to whom such money is due, with the name of such company to which he or they shall belong; to the end the said certificate may be forthwith transmitted to the proper paymaster of the marines, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied

applied to such company, under pain as is before in this act directed for nonpayment of quarters.

XXIII. And be it enacted by the authority aforesaid, That it shall and may be lawful to quarter officers and private men of his Majesty's marine forces in *Scotland*, in such and the like places and houses as officers and private men of the land forces might have been quartered in by the laws in force in *Scotland* at the time of the union; and that the possessors of such houses shall only be liable to furnish the said marine officers and private men quartered there, as by the said laws in force at the time of the union was provided, with respect to the officers and private men of the land forces; and that no such marine officer shall be obliged to pay for his lodging, where he shall be regularly billeted, except in the suburbs of *Edinburgh*.

Officers, &c. to be quartered in *Scotland*, as the laws in force at the union direct.

XXIV. And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for his Majesty's marine forces in their marches, or for their arms, clothes, or accoutrements, in *England*, *Wales*, and the town of *Berwick upon Tweed*, all justices of the peace, within their several counties, ridings, divisions, shires, liberties, and precincts, being duly required thereunto by the said lord high admiral, or three or more of the commissioners for executing the office of lord high admiral for the time being, by an order in writing under his or their respective hand or hands, shall, as often as such order shall be brought and shewn unto one or more such justices, by the officer or officers of the company or companies of marines so ordered to march, issue out his or their warrant or warrants to the high constables or petty constables of the division, riding, city, liberty, hundred, or precinct, from, through, near, or to which such company or companies shall be ordered to march; requiring them to make such provision for carriages with able men to drive the same, as shall be mentioned in the said warrant, allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burthen: and in case sufficient carriages cannot be provided within any such riding, city, liberty, hundred, division, or precinct; then the next justice or justices of the peace of the county, riding, or division, shall, upon such order as aforesaid being brought or shewn to one or more of them, by any of the marine officers aforesaid; issue his or their warrant or warrants to the high constables or petty constables of such next county, riding, liberty, division, or precinct, for the purposes aforesaid, to make up such deficiency: and the aforesaid officer or officers, who by virtue of the aforesaid warrant or warrants from such justice or justices of the peace, is or are to demand the carriage or carriages therein mentioned, of the high constable or petty constable to whom the warrant is directed, is and are hereby required at the same time to pay down in hand to the said constable or petty constable, for the use of the person who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses shall travel; and the sum of

Justices to order constables to provide carriages for the marine forces on their march.

Rates for carriages.

one

Penalty on  
officers forc-  
ing waggons  
to travel  
more than  
one day's  
journey, &c.

one shilling for every mile any wain with six oxen, or four oxen with two horses, shall travel; and the sum of nine pence for every mile any cart with four horses shall travel; and so in proportion for less carriages; for which respective sums so received, the said constable or petty constable is hereby required to give a receipt in writing to the person or persons paying the same: and such constable or petty constable shall order and appoint such person or persons, having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish the same accordingly: and if any marine officer or officers, for the use of whose company or companies the carriage was provided, shall force and constrain any waggon, wain, cart, or carriage, to travel more than one day's journey, or shall not discharge the same in due time for their return home, or shall suffer any marine or servant (except such as are sick) or any woman to ride in the waggon, wain, cart, or carriage aforesaid, or shall force any constable or petty constable, by threatenings or menacing words, to provide saddle horses for themselves or servants, or shall force horses from the owners by themselves, servants, or private men, every such officer, for every such offence, shall forfeit the sum of five pounds; proof thereof being made upon oath before two of his Majesty's justices of the peace of the same county or riding, who are to certify the same to the proper paymaster of his Majesty's marine forces, who is hereby required to pay the aforesaid sum of five pounds accordingly, to the order and appointment under the hands and seals of such justices of the peace, and is also hereby empowered to deduct the same out of such officer's pay.

Penalty on  
constables,  
&c. neglect.

XXV. And be it enacted by the authority aforesaid, That if any high constable or petty constable shall wilfully neglect or refuse to execute any such warrant of the said justice or justices of the peace, as shall be directed unto such constable or petty constable for providing carriages as aforesaid; or if any person or persons, appointed by such constable or petty constable to provide or furnish any carriage and man, shall refuse or neglect to provide the same; or any other person or persons whatsoever shall wilfully do any act or thing, whereby the execution of any such warrant or warrants shall be hindered or frustrated; every such constable, or other person or persons so offending, shall, for every such offence, forfeit any sum not exceeding forty shillings, nor less than twenty shillings, to the use of the poor of the parish where any such offence shall be committed: and all and every such offence and offences shall and may be enquired of, heard, and fully determined, by two of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

XXVI. And whereas the respective sums of money by this act appointed to be paid to the constables by the officers demanding such

such carriages, may not, in many cases, be sufficient to answer the charge and expence of providing the same, whereby the said constables may be frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the township of which they are respectively constables, or else the persons furnishing such carriages may be grievously oppressed; to prevent which, and that such overplus charge may be borne by each county or riding, at the general charge of such county or riding, be it further enacted by the authority aforesaid, That the treasurer or treasurers of each respective county or riding shall, without fee or reward, pay unto such constable all and every such reasonable sum or sums of money, so by him paid or laid out for such carriages, over and above what was or ought to have been paid by the marine officer requiring such carriages, out of the public stock of such county or riding, according to such rates, orders, rules, and directions, as the said justices of the peace, in their quarter sessions assembled, within their respective jurisdictions, shall, from time to time, during the continuance of this act, make, direct, and appoint (which orders shall be made without fee or reward) regard being always had to the season of the year, and the length and condition of the roads through which such carriages are to travel.

Treasurers of the county to repay the constables extraordinary charges.

XXVII. And in case the said public stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before-mentioned; it is hereby further enacted, That the said justices of the peace in the general quarter sessions shall have power, from time to time, to raise monies upon the respective counties or ridings in such manner as they now raise monies for building or repairing county gaols and bridges, to satisfy the said extraordinary charge of carriages.

The money for those purposes how to be raised.

XXVIII. Provided always, and be it further enacted, That no waggon, wain, cart, or carriage, impressed by authority of this act, shall be liable or obliged, by virtue of this act, to carry above twenty hundred weight; any thing in this act contained to the contrary notwithstanding.

No waggon, &c, to carry above 20 hundred weight.

XXIX. And be it further enacted, That the carriages for the service of the marine forces quartered or marching in Scotland, shall be provided in like manner, and at the rates, and the furnisher of such carriages shall be paid, as was directed by the law in force in Scotland, at the time of the union, with regard to the furnishing carriages for land forces.

Carriages in Scotland low to be provided.

XXX. And be it enacted by the authority aforesaid, That if any officer, military or civil, by this act authorized to quarter marines in any houses hereby appointed for that purpose, shall at any time during the continuance of this act, quarter any of the wives, children, men, or maid-servants of any officer or marine in any such houses, against the consent of the owners; the party offending, if an officer of the marines, shall, upon complaint and proof thereof made to the commissioners for executing the

Marines wives, &c, not to be quartered without consent.

Penalty.

office

office of lord high admiral, or judge advocate, be *ipso facto* cashiered, and if a constable, tythingman, or other civil officer, he shall forfeit to the party aggrieved twenty shillings, upon complaint and proof thereof made to the next justice of the peace, to be levied by warrant of such justice, by distress and sale of his goods, rendering the overplus to the party, after deducting reasonable charges in taking the same.

Penalty of  
fines of  
may  
destroy  
the game

XXXI And for the better preservation of the game, in or near such place, where any officers or soldiers shall at any time be quartered, be it enacted by the authority aforesaid, That if, from and after the said twenty fifth day of *March*, one thousand seven hundred and sixty two, any officer or marine shall, without leave of the lord of the manor, under his hand and seal, first had and obtained, take, kill, or destroy, any hare, coney, pheasant, partridge, pigeon, or any other sort of fowls, poultry, or fish, in his Majesty's game, within the kingdom of *Great Britain*, and upon complaint thereof shall be, upon oath of one or more credible witnesses or witnesses, convicted before any justice or justices of the peace, who is and are hereby empowered and authorized to hear and determine the same, (that is to say) every officer so offending shall, for every such offence, forfeit the sum of five pounds, to be distributed among the poor of the place where such offence shall be committed, and every officer commanding in chief upon the place, for every such offence committed by any marine under his command, shall forfeit the sum of twenty shillings, to be paid and distributed in manner aforesaid, and if, upon conviction made by the justices of the peace, and demand thereof also made by the constable or overseers of the poor, such officer shall refuse or neglect, and not within two days pay the said respective penalties, such officer so refusing, or neglecting shall forfeit, and is hereby declared to have forfeited, his commission, and his commission is hereby declared to be null and void.

Constables  
may apprehend  
deserters and carry  
them before a  
justice

XXXII And whereas several marines who being duly entered may afterwards desert, and be found wandering, or otherwise absenting themselves illegally from his Majesty's service, it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough, or tythingman of the town or place, where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace, living in or near such town or place, who is hereby empowered and required to examine such suspected person, and if by his confession, or the testimony of one or more witnesses or witnesses upon oath, or by the knowledge of such justice of the peace, it shall appear or be found, that such suspected person is a marine duly entered, and ought to be with the company to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found, or to the house of correction, or other public prison in such town or place where such deserter shall be apprehended,

Justice to  
commit him,

apprehended, or to the *Secretary*, in case such deserter shall be apprehended within the cities of *London* or *H Westminster*, or places adjacent; and transmit an account thereof to the secretary of the admiralty for the time being, to the end such person may be proceeded against according to law: and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of every such deserter, during the time he shall continue in his custody, for the maintenance of such deserter; but shall not be intitled to any fee or reward, on account of the imprisonment of any such deserter; any law, usage, or custom, to the contrary notwithstanding.

and transmit an account to the secretary of the admiralty.  
Gaol keeper to receive the subsistence of deserters, but no other fee, &c.

XXXIII. And, for the better encouragement of any person or persons to secure or apprehend such deserters; be it further enacted by the authority aforesaid, That such justice of the peace shall also issue his warrant in writing to the collector or collectors of the land tax money of the parish or township where such deserter shall be apprehended, for paying out of the land tax money, arisen or to arise in the year one thousand seven hundred and sixty two, into the hands of such person or persons who shall apprehend, or cause to be apprehended, any such deserter from his Majesty's service, the sum of twenty shillings for every such deserter that shall be so apprehended and committed; which sum of twenty shillings shall be satisfied by such collector or collectors to whom such warrant shall be directed, and allowed upon his or their account.

Reward for taking up deserters.

XXXIV. And be it further enacted, That if any person shall harbour, conceal, or assist any deserter from his majesty's marine service, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of five pounds; or if any person shall knowingly detain, buy, or exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, upon any account or pretence whatsoever, or cause the colour of such clothes to be changed; every such person so offending in each, any, or either of the cases aforesaid, shall forfeit for every such offence the sum of five pounds; and upon conviction by the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first-mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last-mentioned penalty of five pounds to be paid to the informer; and the residue of the said respective penalties to be paid to the officer to whom any such deserter or marine did or doth belong: and in case any such offender, who shall be convicted, as aforesaid, of harbouring or assisting any such deserter or deserters; or having knowingly received any arms, clothes, caps, or other furniture belonging to the King: or having caused the colour of such clothes to

Penalty on persons concealing deserters, or buying their arms, clothes, &c.



be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distresses may be made, to the value of the penalties recovered against him for such offence; or shall not pay such penalties within four days after such conviction; then, and in such case, such justice or justices of the peace shall and may, by warrant under his or their hand and seal, or hands and seals, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly whipt, at the discretion of such justice or justices.

This act to extend to deserters, &c. in Ireland.

XXXV. Provided always, That so much of this act as relates to the punishment of such who shall harbour, conceal, or assist deserters, or shall knowingly detain, buy, exchange, or otherwise give, any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, or cause the colour of such clothes to be changed, shall extend, to all ends and purposes whatsoever, to *Ireland*, and shall be put in execution in that kingdom, by all justices of the peace, and other officers respectively, according to the tenor, and during the continuance of this act.

Continuance of this act.

XXXVI. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force from the said twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty two, until the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty three.

No volunteer liable to process, unless for some criminal matter, or unless for a real debt of the value of 10l.

Oath of the debt to be made before a judge,

and a memorandum thereof marked on the back of the process;

XXXVII. And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon marines, whereby his majesty and the public may be deprived of their service; it is hereby further enacted by the authority aforesaid, That no person whatsoever, who is entered, or shall enter himself as a volunteer in his Majesty's service, as a marine, during the continuance of this act, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action; and unless, before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court, out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum, justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of ten pounds at least, over and above all costs of suit in the same action, or in any other action on which the same shall be grounded, a memorandum of which oath shall be marked on the back of such process or writ; for which memorandum or oath no fee shall be taken: and if any person shall nevertheless be arrested contrary to

to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals, to discharge such marine so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such marine so arrested, was legally entered as a marine in his Majesty's service, and arrested contrary to the intent of this act, and also to award to the party so complaining, such costs as such judge or judges shall think reasonable: for the recovery whereof, he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

otherwise prisoner to be discharged, with costs.

XXXVIII. And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entered as marines in his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits; and instead of an arrest, which may at once hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and cheap method; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons entered, or left at his or their last place of residence before such entering, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, to enable such plaintiff to proceed therein to judgment and execution in law, and to have an execution thereupon, other than a writ against the body or bodies of him or them so entered as aforesaid; this act, or any thing herein, or any former law or statute, to the contrary notwithstanding.

Plaintiff giving notice, and the defendant appearing.

and proceed to judgment and execution.

XXXIX. And be it further enacted by the authority aforesaid, That if any high constable, constable, beadle, or other officer or person whatsoever, who, by virtue or colour of this act, shall quarter or billet, or be employed in quartering or billeting, any marine officers or private men, shall neglect or refuse, for the space of two hours, to quarter or billet such officers or marines when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract, or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse any person or persons whatsoever from quartering or receiving into his, her, or their house or houses any such officer or marine; or in case any victualler, or any other person, liable by this act to have any officer or marine billeted or quartered on him or her, shall refuse to receive or entertain any such officer or marine so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according

Penalty on constables, &c. neglecting to quarter marines.

Penalty on taking money to excuse any person from quartering,

and on victuallers refusing to receive marines.

cording to the directions of this act, the several things herein before respectively directed to be furnished or allowed to non-commission officers and marines so quartered or billeted on him or her as aforesaid, at the rate herein before-mentioned, and shall be thereof convicted before any one or more justice or justices of the peace of the county, city, or liberty, within which such offence shall be committed, either by his own confession, or by the oath of one or more credible witness or witnesses (which oath the said justice or justices is and are hereby impowered to administer) every such high constable, constable, bedel, or other officer or person so offending, shall forfeit, for every such offence, the sum of five pounds, or any sum of money not exceeding five pounds, nor less than forty shillings (as the said justice or justices, before whom the matter shall be heard, shall, in his or their discretion, think fit) to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal, or hands and seals, of such justice or justices, before whom such offender shall be convicted, or of one or more of them, to be directed to any other constable within the county, city, or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; and the said sum of five pounds, or the said sum not exceeding five pounds, nor less than forty shillings, when levied, to be paid to the overseers of the poor of the parish where the offence shall be committed, or to some one of them, for the use of the poor of such parish.

To prevent abuses in quartering, justices may order constables to give an account of the number of officers, and private men, and where quartered.

XL. And, for the better preventing abuses in quartering or billeting the marines, in pursuance of this act; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace, within their respective counties, cities, or liberties, by warrant or order under his or their hand and seal, or hands and seals, at any time or times during the continuance of this act, to require and command any high constable, constable, bedel, or other officer, who shall quarter or billet any marines in pursuance of this act, to give an account in writing unto the said justice or justices requiring the same, of the number of officers and private men who shall be quartered or billeted by them, and also the names of the housekeepers or persons, upon whom every such officer or private man shall be quartered or billeted, together with an account of the street or place where every such housekeeper dwells, and the signs (if any) belonging to their houses; to the end it may appear to the said justice or justices where such officers and private men are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting of them.

Clause for relief of persons habitually listening to themselves.

XLI. Provided nevertheless, and it is hereby declared by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and sixty two, when and as often as any person or persons shall be enlisted as a marine or marines in his Majesty's service, he and they shall, within ten days, but not sooner than twenty four hours, after such enlisting respectively,

respectively, be carried before the next justice of the peace of any county, riding, city, or place, or chief magistrate of any city or town corporate (not being an officer of marines) and before such justice or chief magistrate, he or they shall be at liberty to declare his or their dissent to such inlisting; and upon such declaration, and returning the inlisting-money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, such person or persons so inlisted shall be forthwith discharged and set at liberty, in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect, within the space of twenty four hours, to return and pay such money, as aforesaid, he or they shall be deemed and taken to be inlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; or if such person or persons shall declare his or their having voluntarily inlisted himself or themselves, then such justice or chief magistrate shall, and he is hereby required forthwith to certify under his hand, that such person or person is or are duly inlisted; setting forth the place of the birth, age, and calling of him or them respectively (if known) and that the second and third sections of the articles of war for the better government of his Majesty's marine forces while on shore in Great Britain or Ireland, were read to him or them, and that he or they had taken the oath of fidelity mentioned in the twelfth section of the said articles of war; and if any such person or persons, so to be certified as duly inlisted, shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he has received such money as aforesaid, to detain or confine such person or persons, until he or they shall take the oath before required; and every officer of marines that shall act contrary hereto, or offend herein, upon proof thereof upon oath made by two witnesses before a general court-martial to be thereupon called, shall, for such offence, be forthwith cashiered and displaced from such his office, and shall be thereby utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service.

XLII. Provided always, and it is hereby declared, That all his Majesty's marine forces, as well officers as private men, shall, from time to time, during their being respectively borne as part of the complement of any of his Majesty's ships or vessels, be subject or liable in like manner, in all respects, as any officers or seamen employed in his Majesty's sea service are subject and liable to be governed and proceeded against and punished for offences committed by them during the time they shall be borne as part of the complement of such ships or vessels, according to the purport, tenor, effect, and true intent and meaning of an act of parliament made in the twenty second year of the reign of his late Majesty King George the Second, intituled, *an act for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by*

Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo. II.

for; this present act, or any thing herein contained notwithstanding.

## CAP. XIII.

*An act for appointing commissioners for putting in execution an act of this session of parliament, intituled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year One thousand seven hundred and sixty-two.*

THE commissioners herein named, are empowered to put the land tax act of this session in execution, as fully as if they had been specially named in, and appointed by the said act; and they are to be subject to the like qualifications, penalties, and forfeitures.

## CAP. XIV.

*An act to prevent vexatious proceedings against brewers, victuallers, and others, with respect to the prices of beer and ale; for better securing the revenue upon strong beer and ale, by preventing fraudulent mixing thereof; to repeal so much of an act made in the first year of the reign of his present Majesty, as extends certain provisions relative to the exportation of spirituous liquors to the exportation of strong beer and ale; and for the more effectual preventing the re-landing of beer, ale, cyder, and mum, shipped for exportation as merchandize.*

Preamble.

WHEREAS brewers, inn-keepers, victuallers, or other retailers of strong beer or ale, have been threatened with, and may be subject to, vexatious prosecutions for advancing, or having advanced, the price of strong beer or ale, however justly and reasonably: now, in order to prevent such vexatious proceedings, may it please your most excellent Majesty, that it may be enacted; and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no brewer, inn-keeper, victualler, or other retailer of strong beer or ale shall, at any time hereafter, be sued, impleaded, or molested, by indictment, information, popular action, or otherwise, for advancing, or having advanced, the price of strong beer or ale in a reasonable degree; any law or statute to the contrary notwithstanding.

the price of strong beer and ale may be reasonably advanced, without subjecting the vendor to prosecution.

II. And whereas the mixing strong beer, ale, or strong worts, with small beer or small worts, or with water, either by the brewer, after the gauge thereof hath been taken, or by the victualler, after such strong beer, ale, or strong worts, shall be sold and delivered to him or her, is greatly detrimental to his Majesty's revenue, and is an imposition upon the consumer, and hinders the sale of genuine strong beer and ale; and the provisions already established by law are found to be insufficient to prevent the same: for remedy thereof, and for the more effectual prevention

prevention of such frauds, be it hereby enacted by the authority  
 aforesaid, That from and after the passing of this act, if any  
 common or other brewer, inn-keeper, victualler, or retailer of  
 beer or ale, shall mix, or cause or suffer to be mixed, in any  
 vessel, tub, measure, or otherwise howsoever, any strong beer,  
 ale, or strong worts, with any small beer or small worts, or  
 with water, after the gauge of such strong beer, ale, or strong  
 worts, shall have been taken by an officer of excise, every such  
 person so offending, for every such offence, shall respectively  
 to forfeit and lose the sum of fifty pounds.

sol. penalty  
 on fraudu-  
 lently mixing  
 strong beer,  
 ale, or strong  
 worts, with  
 other liquors.

III. And whereas by a clause in an act of parliament passed in  
 the first year of the reign of his present Majesty, intituled, *An act*  
*for granting to his Majesty's duty for beer and ale; and for raising the sum of twelve millions by way of annuities,*  
*and a lottery, to be charged on the said duty; and for further encour-*  
*aging the exportation of strong beer and ale;* it was provided and  
 enacted, That all the rules, regulations, directions, powers,  
 penalties, forfeitures, clauses, matters, and things, which, by  
 an act made in the then last session of parliament (intituled, *An*  
*act for preventing the excessive use of spirituous liquors by laying addi-*  
*tional duties thereon; for shortening the prohibition of making low*  
*coines and spirits from wheat, barley, malt, or other grain, and from*  
*meal, flour, and bran; for encouraging the exportation of British*  
*made spirits, and for more effectually securing the duties payable upon*  
*spirits, and preventing the fraudulent re-landing or importation*  
*thereof*) were provided, settled, established, and inflicted, for  
 and in respect to the paying and allowing the drawback and  
 bounty thereby granted upon spirits exported as merchandize,  
 and for preventing, detecting, and punishing, frauds and a-  
 buses in the re-landing the same, and all other frauds and a-  
 buses previous to the shipping, or relating to the exportation of  
 such spirits, and the obtaining such drawback and bounty, not  
 otherwise thereby altered, should, except such parts as relate  
 to the size of the casks, and burden of the ships or vessels, be ex-  
 ercised, practised, applied, levied, recovered, and put in exe-  
 cution, for paying and allowing the drawback and bounty there-  
 by granted upon beer and ale, and for preventing, detecting,  
 and punishing, frauds and abuses in the re-landing such beer  
 or ale, and all other frauds and abuses previous to the shipping,  
 or relating to the exportation thereof, and the obtaining of the  
 said drawback and bounty, as fully and effectually, to all intents  
 and purposes, as if all and every the said rules, regulations, di-  
 rection, powers, penalties, forfeitures, clauses, matters, and  
 things, were particularly repeated, and again re-enacted, in the  
 body of the said recited act: and whereas it is found by experi-  
 ence, that the like rules, regulations, and directions, which  
 are established for enforcing the due exportation of spirits, are  
 not necessary to enforce the due exportation of strong beer or  
 ale, but are found to be inconvenient; be it therefore enacted  
 and declared by the authority aforesaid, That, from and after  
 the passing of this act, the said recited clause, and every article,

Recital of  
 clause in act  
 1 Geo.

The recited  
clause repeal-  
ed.

Provision in  
act 1 Will. &  
Mary.

All beer, ale,  
cyder, and  
mum, which  
shall be re-  
landed, &c.  
after being  
shipped for  
exportation,  
is to be forfeit-  
ed, with 50 l.  
for every cask  
thereof.

Recovery and  
application of  
penalties.

General issue.

Treble costs.

matter, and thing, therein contained, shall be repealed, and made null and void.

IV. And whereas the provision established by act of parliament made in the first year of the reign of King William and Queen Mary, intituled, *An Act for regulating the trade of beer, ale, cyder, and mum; for preventing the shipping of liquors in any vessel for exportation, as well as only to the re-landing such liquors within the kingdom, land, dominion of Wales, and town of Eborac* and whereas it is necessary that the said provision be so amended and enforced, and extended to all parts of Great Britain, be it therefore enacted by the authority aforesaid, That from and after the twenty-fourth day of June, one thousand seven hundred and sixty-two, if any merchant or master of a ship or vessel, or other person, shall cause or suffer any of the said liquors, which shall be shipped for exportation as merchandize, to be unshipped, unladen, or laid on land, or put into any other ship or vessel within the kingdom of Great Britain, he, she, or they shall forfeit the same, together with the casks and package containing the same, and also the sum of fifty pounds for every cask of such respective liquor he, she, or they shall so unduly unship, unlade, or lay on land, or put on board any other ship or vessel; which said respective liquors so unduly unshipped, unladen, or laid on land, or put on board any other ship or vessel, shall and may be seized by any officer or officers of the customs or excise.

V. And be it further enacted and declared by the authority aforesaid, That all fines, penalties, and forfeitures imposed by this act, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise or other duties, under the management of the commissioners of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

VI. And be it hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence, in his or their defence or defences; and if afterwards a verdict shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, on a demurrer, or otherwise; then such defendant or defendants, shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

CAP. XV.

*For the better supplying the cities of London and Westminster with fish, and to reduce the present exorbitant price of fish; and to protect and encourage fishermen.*

*Whereas the better supplying the cities of London and Westminster with fish, and encouraging fishermen, and to encourage themselves in fishing on the sea coasts, and the fishermen of Great Britain, will tend to reduce the present exorbitant price of fish: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most*

*excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful for any person, although not brought up in the trade of a fishmonger, to buy (subject to, and under, the restrictions herein after contained) at any market, sea coast, creek, port, haven, bank of any river, or place, in Great Britain, any fish in season, which shall not be unsizeable, or under the dimensions of the same respectively, by the laws now in force, are allowed to be sent to the city of London, paying the usual and accustomed dues at the places where any such fish shall be so purchased; and afterwards to sell again all such fish in public or fixed shops, stalls, or houses, in any other market in Great Britain, where fish or flesh are or usually have been sold, in manner by this act prescribed, paying only the usual stallage or market dues paid at every such market, without incurring any penalty or forfeiture; any law, statute, custom, or usage, to the contrary thereof in any wise notwithstanding.*

*Preamble.*  
General licence to any person, though not a fishmonger, to buy at any market, sea coast, or river, &c.

any fish in season, and sizeable; paying the accustomed dues at the place of purchase; and to sell the same again in any fish or flesh market, paying the usual market dues;

II. *Provided always, and be it enacted by the authority aforesaid, That nothing herein before contained shall extend, or be construed or taken to extend, to permit, empower, or authorize, any person or persons to sell, or expose to or for sale, any fish in Covent Garden market, or in any of the precincts thereof, in the county of Middlesex.*

*Covent Garden market, and the precincts thereof, excepted.*

III. *And be it further enacted by the authority aforesaid, That no fish allowed to be bought as aforesaid, shall be sold again by the first purchaser thereof, or any of his or her agents or servants, before such fish shall have been conveyed by land carriage, or otherwise, to the cities of London or Westminster, or such other places in Great Britain, as the proprietor or proprietors thereof shall think fit, from time to time, to consign the same to; under pain that every one who shall offend in the premises, shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied in manner herein mentioned.*

*Such fish not to be resold by the first purchaser, before the same shall be brought to London or Westminster, or to where consigned, under penalty of 20 l.*

And be it further enacted by the authority aforesaid, That any fish, allowed to be purchased as aforesaid, shall be permitted

ted



and to be conveyed to the places con- signed, without being liable to be stopped, and exported to sale on the way.

Carriages employed in the service are to carry fish only,

and to be marked on the outside, *Fish Machine Only*;

and are to be entered at the office for licensing hackney coaches, paying 1s. for the registering;

and numbered, on penalty of 40s.

and are not liable to be deemed common stage waggons, &c.

They shall be permitted to travel with 4 horses in pairs, or with 1 horse; or 3 horses in length; tho' with narrow wheels;

and shall only pay the like toll as post-chaises, &c. drawn by a like number of horses;

and shall be allowed to travel on Sundays and holidays;

as shall also be returned by the return of such carriage;

ted to be, from time to time, sent and conveyed to the places to which the proprietor or proprietors thereof shall fit to consign the same, without being subject or liable to be stopped, in any city, market town, or place, as ordered to be sold or exposed to sale there, under pretence of any usage whatsoever.

V. And, for the more expeditious conveyance of fish by land carriage, be it also enacted by the authority aforesaid, That every carriage which shall be used for the conveyance of fish as aforesaid, shall only carry fish, allowed as aforesaid, therein, with the necessary package and complements which shall belong to such carriage; and shall be marked on the outside *Fish Machine Only*; and shall have the name or names, and place or places of abode, of the respective owner or owners thereof, entered at the office of the commissioners for licensing hackney coaches; and for every such entry, only one shilling shall be paid to the clerk there; and the said commissioners are hereby required to receive every such respective entry, and to cause the same to be registered in the said office; and afterwards the respective number of every such respective carriage shall be marked on some conspicuous part of the outside thereof, in large figures, painted, or else shall be put on lead or other metal, and shall be fixed in the front, or on one of the shafts, or some other conspicuous part of every such respective carriage; and that no fish carriage shall be deemed or taken to be a common stage waggon, wain, or cart: and if any one shall neglect to comply with and perform what is herein before directed, touching the marking, registering, numbering, and keeping the number of every such respective carriage on some part thereof, and shall be convicted of any such neglect, in manner herein after-mentioned, he shall forfeit and pay, for every such neglect, the sum of forty shillings; to be levied, recovered, and applied, as herein after is directed.

VI. And be it further enacted by the authority aforesaid, That every such fish carriage numbered and marked as aforesaid, shall be permitted to travel, pass, or be drawn on any turnpike road, by any number of horses in pairs not exceeding four, or by any single horse, or by any number of horses at length not exceeding three, although the fellicies of the wheels of any such fish carriage shall not be of the breadth or gauge of nine inches from side to side; and that every such fish carriage shall only pay the like toll, at every turnpike-gate or bar through which every such fish carriage shall pass, as post chaises, or other chaises, drawn by a like number of horses, or by a single horse, by the laws now in force, are subject and liable to pay there.

VII. And be it also enacted by the authority aforesaid, That every such fish carriage as aforesaid shall be allowed to travel, pass, and be drawn, on Sundays and holidays, on any road, whether laden or returning empty; and that the horse or horses which shall return from drawing any such fish carriage, although not drawn on by any driver of any such fish carriage, or drawing back any empty

Also be allowed to pass on sundays and without any driver of any such fish carriage as aforesaid, incurring any

and neither at any time be paid for any such fish carriage, or for any horse or horses back empty, for passing on any turnpike-gate or bar, or for any from drawing any such fish carriage

and neither carriages or horses, if returning empty, shall be liable to pay toll;

laden as aforesaid, although such horse or horses, or any of them, shall be rode on by any driver of any such fish carriage, and although such horse or horses shall not draw back any such empty fish carriage.

IX. And be it further enacted by the authority aforesaid, That if any person shall put any game, or any other thing except fish as aforesaid, and the baskets and other necessary package in which the same shall be packed, and the necessary implements of every such fish carriage, into any such fish carriage to be conveyed thereby; every person, other than the driver of any such fish carriage, who shall so put any game or other thing than fish, and the baskets and other necessary package and implements as aforesaid, into any such fish carriage, and to be thereby conveyed, shall, on being convicted thereof in manner herein after mentioned, forfeit and pay for every such offence the sum of five pounds, to be levied, recovered, and applied, in manner herein after specified: and if the driver of any such fish carriage shall take up, or suffer any passenger, game, or other thing except fish, and the baskets and other necessary package and implements as aforesaid, to be at any time carried or conveyed in or by any such fish carriage; every driver of every such fish carriage, who shall so offend in the premises, and be thereof convicted in manner herein after mentioned, shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered and applied in manner herein after mentioned: and if, on the conviction of any driver of any such fish carriage, the sum forfeited shall not be forthwith paid, the justice or justices before whom any such driver of any such fish carriage shall be convicted, shall, by warrant under his hand and seal, or their hands and seals, commit every such driver of any such fish carriage, who shall be so as aforesaid convicted, to the house of correction of the county, city, or place, in which the offence for which any such driver was convicted, or where any such driver shall be apprehended, there to remain and be kept to hard labour for any time not exceeding one month, as any justice or justices shall order, unless the money forfeited shall be sooner paid.

and if any game, or other thing besides fish, and the necessary implements of the carriage, be put therein for conveyance,

the person putting in the same shall forfeit 5*l*.

and if the driver shall take up, or suffer any passenger, game, or other thing, to be carried therein, he shall forfeit 40*s*.

and on non-payment, shall be committed, and kept to hard labour for any time not exceeding one month.

X. And be it further enacted by the authority aforesaid, That if the owner or any other person who shall have the care or conduct of any such fish carriage as aforesaid, which after the passing this act shall be loaded with fish as aforesaid, and con-

signed It shall be the duty of any fish carriage consigned to the Lon-

don markets, &c. before being brought within the bills of mortality,

or sale made of the fish before they are exposed in the said markets, the offender shall forfeit 10*l*.

The fish, after being so brought up, is to be forthwith sorted, and exposed to sale in some public market the next morning, Sundays excepted;

and until such fish is so exposed, no part thereof is to be sold by retail, on penalty of 10*l*.

but mackrell brought up by such carriages may be sold on Sundays.

All contracts made for fish, except for salmon and lobsters, are vacated after 1 May, 1762, and the parties discharged from the penalties of their contracts;

and persons contracting after the said time for buying up fish, other than salmon and lobsters, before the same

signed for the supply of the cities of *London* or *Westminster*, break bulk before the same shall have been brought within the weekly bills of mortality, or sell, or expose to sale, any of the fish which shall be loaded in any such fish carriage, before the same shall have been brought to the cities of *London* or *Westminster*, or within the weekly bills of mortality, and exposed there to or for sale in manner herein after directed, he, she, or they, who shall so offend in the premises, shall, on being thereof convicted in manner herein after mentioned, forfeit and pay for every such offence the sum of ten pounds, to be levied, recovered, and applied, in manner herein after mentioned.

XI. And be it also enacted by the authority aforesaid, That all fish as aforesaid which shall be brought by land carriage to the cities of *London* or *Westminster*, or to any other place within the weekly bills of mortality, shall, with all convenient speed after the same shall be so brought there, be sorted, and, the next morning at farthest after the same shall be so brought there, shall be openly and publicly offered and exposed to sale in some public market or markets within the weekly bills of mortality (except such next day shall happen to be a *Sunday*, and in such case, then on *Monday* morning next following) and that, until such fish as aforesaid shall be so exposed to sale in some public market or markets as aforesaid, no part thereof shall be sold, or offered to or for sale, by retail, upon pain that every person who shall offend in the premises, and shall be thereof convicted in manner herein after-mentioned, shall forfeit and pay, for every such offence, the sum of ten pounds, to be levied, recovered, and applied, in manner herein after-mentioned.

XII. Provided always, and be it enacted, That nothing in this act contained shall be construed to prohibit the selling any mackrell, which shall be brought by any such fish carriage as aforesaid, before or after divine service on a *Sunday*.

XIII. And be it likewise enacted by the authority aforesaid, That all contracts made by or with any person or persons for any fish, except salmon and lobsters, from and after the first day of *May*, one thousand seven hundred and sixty-two, shall be, and are hereby declared to be, void, so far as the same shall relate to, or be intended to take effect at any time subsequent to, the said first day of *May*, one thousand seven hundred and sixty-two; and the party and parties to every such contract and contracts is and are hereby respectively discharged from all penalties and forfeitures he or they may incur by reason of the non-performance of any such contract or contracts: and if, from and after the said first day of *May*, one thousand seven hundred and sixty-two, any person or persons shall enter into or make any contract or contracts for buying up any fish, except salmon and lobsters, before the same shall be first brought to an open market, or some usual place for the sale of fish, and before the same shall be there exposed in the ordinary manner, and for the usual time fish shall be there exposed for public sale, every such contract and contracts is and are hereby declared to be

shall be first brought to market, and duly exposed to sale there, forfeit 50l. and the contract is declared void:

XIV. Provided always, and be it also enacted by the authority aforesaid, That after the said first day of *May*, one thousand seven hundred and sixty-two, no contract or agreement which shall be made or entered into for the buying of any salmon or lobsters which shall be taken in any river, or in any of the seas, upon any of the Sea coasts of *Great Britain*, shall be or continue in force for any longer time than for one year, to be computed from the date of every such respective contract or agreement which shall be entered into in writing; and if not entered into in writing, then only for one year, to be computed from the time of the making or entering into every such paroll contract or agreement respectively.

XV. And be it likewise enacted by the authority aforesaid, That no person or persons shall, at any time after the said first day of *May*, one thousand seven hundred and sixty-two, employ, or be employed by, any other person or persons in buying, or to buy, in or at any market in the city of *London*, or in the city of *Westminster*, or elsewhere within the weekly bills of mortality, any fish which shall be brought there to be sold, to be divided by lots or in shares amongst any fishmongers or other persons, in order to be afterwards put to sale again, or sold by retail; nor shall any fishmonger or other person at any time after the said first day of *May*, one thousand seven hundred and sixty-two, buy in any market in *London*, or in the said city of *Westminster*, or elsewhere within the weekly bills of mortality, any fish, but what shall be for his own sale or use only, upon pain that every person who shall be convicted of any such offence, in manner hereby directed, shall forfeit and pay the sum of twenty pounds for every such offence, to be levied, recovered, and applied, in the manner herein after directed.

XVI. And be it further enacted by the authority aforesaid, That if any proprietor of fish, or any salesman or person intrusted or employed to sell any fish in any public market, shall refuse to sell, or shall enter into any agreement or confederacy not to sell, to or for the use of any particular person or persons, any fish which shall be brought or exposed to or for sale at or in any such public market; then, and in every such case, every person who shall so offend in the said premises, and shall be thereof convicted in the manner by this act directed, shall, for every such offence, forfeit and pay the sum of twenty pounds, to be levied, recovered, and applied, in manner hereby directed.

XVII. And be it further enacted by the authority aforesaid, That all fish of any of the respective sorts herein after specified, which, after the said first day of *May*, one thousand seven hundred and sixty-two, shall be brought for sale to the cities of *London* or *Westminster*, or within the weekly bills of mortality, shall be openly and publicly exposed for sale at the first hand;

shall be first brought to market, and duly exposed to sale there, forfeit 50l. and the contract is declared void:

And after 1 May, 1762, no contract for British salmon and lobsters shall be in force longer than 1 year; and the like rule is to take place with respect to any paroll contracts.

After 1 May, 1762, no person may employ, or be employed in buying at the markets of *London* or *Westminster*, &c. Fish brought there for sale, to be afterwards divided amongst fishmongers, or others, to be sold;

nor may any person buy in the said markets any fish but what shall be for his own sale or use, on penalty of 20l.

No salesman or other person may refuse to sell, or enter into an agreement not to sell to or for any particular person's use, any fish exposed to sale

and

at a public market, on penalty of 20l.

And all fish of the respective sorts specified in the act, brought after 1 May, 1762, for sale to the London markets,

shall be openly sold at the first hand, and in no greater number or quantity in a lot than is prescribed; and every lot is to consist of one sort of fish only.

The species of fish, and number and quantity thereof allowed to be sold in a lot at Billingsgate, or other markets.

and shall be sold in no greater number or quantity of fish any one lot or parcel, or by any greater weight of fish in one lot or parcel, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock, or in any other market within the weekly bills of mortality, than herein after is directed and prescribed touching the same respectively; and that every lot or parcel of such fish as aforesaid, shall consist only of one sort of fish, and shall not be composed of two or more different sorts of fish; that is to say,

All fresh salmon, sturgeon, large fresh cod, ~~skait~~, pike, ~~ter-~~bot, bret, bril, pearl, kingston, ling, and dorys, by the single fish; all half fresh cod, not exceeding two in any one lot; all quarter fresh cod, not exceeding four in any one lot; all mullets, cole fish, salmon trout, and other trout, not exceeding two in any one lot; all small cod, not exceeding twenty-four in any one lot; in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding eight in any one lot:

All small pike, not exceeding six in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding four in any one lot:

All large haddock, not exceeding four in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding two in any one lot:

All small haddock, not exceeding twenty-four in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding eight in any one lot:

All perch, above six inches long from the eye to the fork of the tail thereof, not exceeding twelve in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding eight in any one lot:

All carp, gurnet, tench, and sea bafs, not exceeding six in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding four in any one lot:

All thornbacks, not exceeding two in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding one in any one lot:

All large soals, not exceeding four pair in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding two pair in any one lot:

All small soals, not exceeding eight pair in any one lot, in *Billingsgate* market, or within one hundred and fifty yards of *Billingsgate* dock; and, in any other market within the weekly bills of mortality, not exceeding four pair in any one lot:

All mackrell, whittings, whiting pouts, plaice, dabbs, herrings, pilchards, garb fish, flounders, and maids, not exceeding sixty in any one lot, in *Billinggate* market, or within one hundred and fifty yards of *Billinggate* dock; and, in any other market within the weekly bills of mortality, not exceeding thirty in any one lot:

All smelts, not exceeding fifty two in any one lot, in *Billinggate* market, or within one hundred and fifty yards of *Billinggate* dock; and, in any other market within the weekly bills of mortality, not exceeding twenty six in any one lot:

All eels, not exceeding twenty pounds weight in any one lot, in *Billinggate* market, or within one hundred and fifty yards of *Billinggate* dock; and, in any other market within the weekly bills of mortality, not exceeding ten pounds weight in any one lot, unless any single fish shall exceed that weight:

All large lobsters and crabs, not exceeding, of either sort, in any one lot, twenty, in *Billinggate* market, or within one hundred and fifty yards of *Billinggate* dock; and, in any other market within the weekly bills of mortality, not exceeding ten of either sort in any one lot:

All small lobsters and crabs not exceeding, of either sort, in any one lot, forty, in *Billinggate* market, or within one hundred and fifty yards of *Billinggate* dock; and, in any other market within the weekly bills of mortality, not exceeding twenty of either sort in any one lot:

And if any person or persons shall sell or buy any of the fish aforesaid, at the first hand, in any market or markets in the city of *London*, or within one hundred and fifty yards of *Billinggate* dock; or in any market in the city of *Weyminster*, or within the weekly bills of mortality, in any lot or parcel, containing any greater number of any sort of fish as aforesaid in any such lot or parcel, or any greater weight of eels in any lot or parcel, than is herein before directed and appointed to be sold in any one lot or parcel; or if any one shall sell, or offer for sale, in any such lot or parcel, more than one sort of any of the fish herein before specified; he, she, or they, who shall so offend in the premises, and be convicted of any such offence in manner herein after mentioned, shall, for every such offence, forfeit and pay the sum of five pounds, to be levied, recovered, and applied, in manner herein after directed.

XVIII. Provided always, That, notwithstanding any thing herein before contained, it shall be lawful for any person to expose to or for sale, and to sell in *Billinggate* market, or in any other market within the weekly bills of mortality, any of the said herein before-mentioned respective sorts of fish, where more than one is to be contained in any lot, as aforesaid, in any smaller number; or any eels by any lesser weight than herein before is prescribed for the selling, in any one lot, any of the said respective sorts of fish herein before specified.

XIX. And be it further enacted by the authority aforesaid, That no person or persons, from and after the said first day of *May*, one thousand

None of the said several species of fish may be bought or sold at the first hand in the said markets in a greater number or quantity in a lot, than is prescribed, nor more than one sort of fish in a lot, be sold, or offered for sale, on penalty of  $\text{£}1$ . But a smaller number of any of the said fish, than a lot consists of, if it contains more than one; and also a lesser weight of eels than makes one lot, may be sold or exposed to sale in the said markets.

No fish may be sold again, or exposed to

sale the same day, in the same market where it was before sold, on penalty of 10l. but the buyer may sell the same, whilst found and whole, in any other place.

Before any fish, to be sold at the first hand in any of the said markets, be exposed to sale, an account of the sorts, and quantity of each, in large legible characters, is to be put up at the fish stand,

the number of flounders, plaice, dabbs, excepted; and also of mackerell, maids, herrings, and pilchards; and if any other fish of the sorts mentioned in the act be brought for sale, before the market of the day is over, they are likewise to be added to the account, before they are exposed to sale; and the said accounts are to be kept up, undefaced, till all the fish be sold, or the market be over;

thousand seven hundred and sixty two, shall a second time sell or expose to or for sale in *Billinggate* market, or within the trade of one hundred and fifty yards from *Billinggate*, or in any other market in the city of *London*, or within the weekly bill of mortality, any fish which, in the same day, have been before sold in the same market; but any buyer of fish in any of the said markets may sell the same again, whilst found and wholesome, in any other place or places whatsoever, any law, custom, or usage, to the contrary thereof in any wise notwithstanding; upon pain that every one who shall offend in the premises, and shall be thereof convicted in manner hereby prescribed, shall be and every such offence, forfeit and pay the sum of ten pounds, to be levied, recovered, and applied, in manner herein after mentioned.

XX. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty two, no person shall sell, or expose to or for sale, at the first hand, in any market in the cities of *London* or *Windsor*, or within the limits of the weekly bill of mortality, any of the several sorts of fish herein before specified, before he, she, or they, shall have, from time to time, first placed or put up, in some conspicuous manner, on or over the form, bench, stall, or place, at which he or she shall intend to offer or expose for sale, or shall offer or expose for sale any of such fish in any such market, a true particular or account, and in a large, fair, and legible character, and either wrote or printed, distinguishing therein the several species or sorts of all such fish as aforesaid, and the quantity of every sort thereof respectively which he, she, or they, shall then have, or have been intrusted with or employed to sell in any such market, except as to the number of flounders, plaice, dabbs, mackerell, maids, herrings, and pilchards, which shall be brought to any such market for sale: and if, at any time of the morning or day in which any such account shall have been so placed up, and before the market of that day shall be ended or over, any other fish of the species or sorts herein before mentioned, except as before excepted, shall be brought or sent to any such market as aforesaid to be sold, the person who shall be employed or intrusted to sell the same, before he or she shall sell, or offer or expose to or for sale, all or any of such other fish, shall add a true account or particular thereof to the account before put up, if he or she had before put up any such account, and if not, shall put up such account thereof as is herein before directed; and the party or parties hereby directed to put up such account and accounts as aforesaid, shall take care that every such account and accounts shall continue up, where the same shall have been first placed, until all the fish specified therein shall be sold, or the market of the day shall be over or ended, without being defaced or obliterated, upon pain that every one who shall neglect to put up any such account, or shall not continue up such account as hereby is directed, during the time such account ought to continue up, and shall be convicted in

in manner herein after prescribed of any such offence, shall, for every such offence, forfeit and pay the sum of five pounds, to be levied, recovered, and applied, in the manner herein after mentioned; and that every person who shall be convicted, in manner herein after directed, of wilfully taking down, defacing, obliterating, or altering, or causing to be taken down, defaced, obliterated, or altered, any such account hereby directed to be placed up as aforesaid, at any time whilst the same, according to the intent of this act, ought to continue up, shall, for every such after-mentioned offence, forfeit and pay the sum of forty shillings, to be levied, recovered, and applied, in manner herein after-mentioned.

XXI. And be it further enacted by the authority aforesaid, That no fisherman, mariner, or other person, who shall be employed on board any fishing ship, sloop, smack, vessel, or boat, shall, after her arrival from fishing, wilfully destroy, or throw or cast away any fish, which any such fishing ship, sloop, smack, vessel, or boat, shall have brought from sea, or caught in any navigable river, that is not unwholesome, perished, or unmarketable, except spouts, which shall remain unsold when the market, to which the same shall be sent for sale, shall be ended; and if any such fisherman, mariner, or other person, shall offend in the premises, and be thereof convicted in manner herein after prescribed, every such fisherman, mariner, or other person, who shall be so convicted, shall be committed to the house of correction of the county, city, or place, in which any such offender shall be convicted or apprehended, there to remain and be kept to hard labour for any time not exceeding two months, nor less than one week, as the justice or justices, before whom any such offender shall be convicted, shall order.

XXII. And be it also enacted by the authority aforesaid, That from and after the passing of this act, all and every the person and persons within the four degrees or descriptions herein after specified, who shall be employed in the fisheries of these kingdoms, shall be freed and exempted from being impressed into the service of his Majesty, his heirs, or successors, other than and except in the cases herein after excepted; that is to say, first, every master who shall have the care or conduct of any fishing ship, sloop, smack, vessel, or boat, which shall be employed in the fishery on any of the sea coasts of Great Britain, or in any of the navigable rivers within Great Britain; and who, or some owner of which fishing ship, sloop, smack, vessel, or boat, shall have, or within six calendar months before the applying for any protection, as hereinafter is allowed, shall have had, one or more apprentice or apprentices, under the age of sixteen years each, bound to him, or to any such owner as aforesaid, for a term not less than five years; and which apprentice or apprentices, in pursuance of such binding, actually shall be, or have been, in the service of such

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master, or within 6 months before

applying for a protection, shall have had, one or more apprentices, under 16 years of age, bound for 5 years, and employed in the business of fishing; and, all such apprentices, not exceeding 4 to every —

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he forfeits 40s.  
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fishing, may  
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the fish, not  
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master or owner of a fishing vessel of 30 tuns burthen, or upwards; and 2 to every vessel under 30 tuns; during the time of their apprenticeship, and till the age of 20 years, they continuing for the time in the business of fishing only; 3dly, one mariner, besides the master and apprentices, to every fishing vessel of 20 tuns burthen or upwards, employed on the sea coast, during his continuance in such service. 4thly, any landman entering, and employed on board such vessel, for 2 years from his first going to sea, and to the end of the voyage then engaged in, if he so long continue in such service.

On affidavit being made before some justice, and laid before the admiralty; that the persons therein named and described, come within

some or one of the above descriptions, (inserting the tunnage of the vessel, and port he belongs to; the name and description of the master, the age of every such apprentice, and term he is bound for, with the date of his indenture; and the name, age, and description of every such mariner and landman, with the time of such landman's first going to sea).

master or owner, in the business of a fisherman; secondly, every such apprentice, not exceeding the number of four apprentices to every such master or owner as aforesaid of any fishing ship, sloop, smack, or vessel, of or above the burthen of thirty tuns; and not exceeding the number of two apprentices to every such master or owner as aforesaid, of any fishing sloop, smack, vessel, or boat, under the said burthen of thirty tuns, during the time every such respective apprentice as aforesaid shall continue as an apprentice in the actual service of such his master only, or of his representatives or assigns, in the business of a fisherman, and in no other service, and the respective age of twenty years of every such apprentice who shall so long continue in the fishing trade: thirdly, one mariner, besides the master and his apprentice or apprentices as aforesaid, who shall be employed to navigate or fish, in any fishing ship, sloop, smack, or vessel, of the burthen of ten tuns or upwards, on any parts of the sea coasts of *Great Britain*, during the time, such mariner shall continue and be so actually and truly employed in the said fishing service: and, fourthly, any landman who shall enter on board any such fishing ship, sloop, smack, or vessel, of the burthen of ten tuns or upwards, and be actually employed in navigating or fishing therein, on any part of the sea coasts of *Great Britain*, for and during the space of two years, to be computed from the time of his first going to sea, employed as aforesaid in any such fishing ship, sloop, smack, or vessel, of the burthen of ten tuns or upwards, as aforesaid, and to the end of any fishing voyage he may then be engaged in, and if he shall continue and be so long really and truly employed in such service.

XXXIII. And, to secure to the several persons herein before described, the benefit intended for them respectively by this act, and to punish the persons who shall act contrary to the true intent and meaning hereof, be it further enacted by the authority aforesaid, That on an affidavit sworn before some justice or justices of the peace, making out that the person or persons named and described in such affidavit come, or is or are within some or one of the descriptions herein before specified, and inserting therein the tunnage of every such fishing ship, sloop, smack, vessel, or boat, and the port or place to which he belongs, and the name and description of every such master, and the age of every such apprentice, and the term for which every such apprentice shall be bound, and the date of his indenture, and the name, age, and description, of every such mariner and landman respectively, and the time of every such landman's first going to sea, being offered to the lord high admiral of *Great Britain*, or to the commissioners for executing the office of lord high admiral of *Great Britain*, for the time being, or any three or more of them, or left

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at the office of admiralty, the said lord high admiral, or commissioners of the admiralty for the time being, is and are hereby directed and required, with all convenient speed after every such affidavit shall be tendered to him or them, or left at the admiralty office (unless he or they shall have reasonable cause to suspect the truth of any such affidavit, and in every such case he and they is and are hereby directed to cause inquiry to be made into the truth of the matters contained in every such affidavit) from time to time, to grant a separate protection to every such person as aforesaid respectively, during the time he is allowed by this act to be protected, and without any fee or reward to be paid or taken for the same; and every person who shall be impressed contrary to the intent of this act, shall, on producing the protection which shall have been granted to him in pursuance of this act to the commanding officer, who shall have in his custody, or under his care, any such impressed person as aforesaid, be forthwith discharged and released by such commanding officer.

the admiralty shall thereupon, unless they suspect the truth of such affidavit, (which in such case they are directed to enquire into) grant, without any fee, a separate protection to every such person; on producing whereof, they are to be forthwith released, if impressed.

XXIV. And be it further enacted by the authority aforesaid, That if, during the continuance of any protection which shall be granted under this act, any person who shall be thereby protected shall be impressed to serve his Majesty, his heirs, or successors, other than and except in the case of an actual invasion of these kingdoms, or imminent danger thereof, and signified by some order of his Majesty, or his heirs, or of his or their privy council, to the lord high admiral, or to the commissioners for executing the office of lord high admiral of *Great Britain* for the time being; and on producing the protection which shall have been so granted to him, to the commanding officer of the party or gang who shall impress any such person protected as aforesaid; or if offering to produce the same for the inspection of such the commanding officer, any such commanding officer shall refuse or neglect to see or examine such protection, or shall detain the same protection from the party intitled thereto, and shall not forthwith discharge the party who shall be so impressed; or if the party so impressed shall be carried on board any ship or vessel of or in the service of his Majesty, his heirs, or successors, and the captain, or any officer, who shall have the command on board any such ship or vessel of or in the service of his Majesty, his heirs, or successors, shall not, on any such protection granted as aforesaid being produced or tendered to him; or if such protection shall have been taken away from the party to whom it was so granted, at or after his having been so impressed, then, if on an affidavit being made before some justice or justices, of the peace that such protection was so granted, and continues in force, and was taken away from the party to whom the same was so granted, either at or after the time he was impressed, and being tendered to the captain or officer who shall have the command on board

If any such protected person shall be impressed, except in the case of invasion, or imminent danger thereof,

and on producing, or offering to produce, his protection, the commanding officer shall not examine, or shall withhold such protection, and not release him;

or if, being carried on board any of the King's ships, the commanding officer there shall not discharge him on such protection being produced; or if taken away from him, on tendering to him an affidavit made

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before some justice, that such protection was granted, and in force, and was taken away, when he was impressed, —

or if any commanding officer, or any of the crew under him shall take away, or detain, such protection; the offender, in any of the said cases, shall forfeit 20*l.* to the party impressed, not being an apprentice, and if an apprentice, then to his master. The master or owner of any fishing vessel, knowingly harbouring, &c. a deserter from the King's service, forfeits 20*l.* Justices are empowered to hear and determine all offences committed against this act within their respective jurisdictions; and the pecuniary penalties, where the time is not otherwise limited, are to be paid in 24 hours; and may be levied by distress and sale, together with all charges, as ascertained by a justice;

and for want of sufficient distress, (except in the case of the driver of a fish carriage)

any such ship or vessel as aforesaid, such captain or officer, or any party who shall have been so impressed and brought on shipboard as aforesaid; or if any captain or officer having command as aforesaid, or any of the crew or company under him, shall take away or detain any such protection granted as aforesaid; then every person who, in any of the said cases, shall so offend, except in the cases herein before excepted, shall respectively pay to the party impressed, if not an apprentice, then to the respective master of every such apprentice the sum of twenty pounds, to be recovered and applied in like manner as other forfeitures incurred by this act, and herein after directed to be recovered and levied.

XXV. And be it further enacted by the authority aforesaid, That if any master or owner of any such fishing ship, smack, vessel, or boat, shall knowingly harbour, entertain, or employ, in any such fishing ship, sloop, smack, vessel, or boat, any seaman or landman, who shall have deserted from his Majesty's service; every such master or owner as aforesaid, on being convicted of any such offence in manner herein after-mentioned, shall, for every such offence, forfeit and pay the sum of twenty pounds, to be levied, recovered, and applied, in manner herein after specified.

XXVI. And be it further enacted by the authority aforesaid, That all justices of the peace, within their respective jurisdictions, shall hear and determine all offences committed against the true intent of this act; and that all pecuniary penalties and forfeitures inflicted and made payable by this act, whereof the time for payment is not herein before directed, shall be paid within twenty four hours after the conviction of the offender, either by his or her confession, or by the oath of one or more credible witnesses or witnesses; which oath every justice, within his respective jurisdiction, is hereby authorized and required to administer; and that any justice or justices, within his or their respective jurisdiction, may issue a warrant under his hand and seal, or their hands and seals respectively, directed to any peace officer within their respective jurisdiction, to levy the same by distress of the goods and chattels of the respective person and persons who shall be so convicted, and which shall be found within the jurisdiction of any such justice or justices; and if, within five days from any such distress being taken, the money forfeited shall not be paid, together with the costs of such distress, the goods so distrained shall be appraised and sold, rendering the overplus, if any, after deducting the penalty or forfeiture, and the costs and charges of the distress and sale, to the owner or owners thereof; which charges shall be ascertained by some justice or justices of the county, city, riding, division, or place, in which the offender or offenders shall have been convicted; and if sufficient distress cannot at any time be found, whereby the money which shall be forfeited by any offender or offenders against this act (other than the driver of any fish carriage as aforesaid) can be levied

bring her, or their goods and chattels, then, and in every such case, or proof thereof upon oath before some justice or justices, within whose respective jurisdiction any such offender or offenders shall reside or be, such justice or justices shall, on the application of any prosecutor or prosecutors of any such offender or offenders, issue a warrant under the hand and seal, or hands and seals of any such justice or justices, directed to some peace officer or officers, to apprehend every such offender or offenders, in any place where they can be found, and to convey and commit every such offender and offenders to the house of correction of the county, city, or place, where any such offender or offenders shall be found and apprehended, there to remain and be kept to hard labour for any time not exceeding two months, as any such justice or justices shall order, unless the money which shall be forfeited by such offender or offenders shall be sooner paid.

the offender, on the application of the prosecutor, shall be committed to hard labour, for any time not exceeding 2 months, unless the forfeiture be sooner paid.

Provided always, and it is hereby enacted, That no person shall suffer any punishment for any offence committed against this act, unless the prosecution for the same be commenced within three calendar months after such offence committed; and that where any person shall suffer imprisonment, pursuant to this act, for any offence contrary thereto, in default of payment of any penalty hereby imposed, such person shall not be liable afterwards to pay such penalty.

Prosecutions to be commenced within 3 months after the offence; and persons suffering imprisonment for any offence, are not liable to pay the penalty.

XXVII. Provided always, and be it enacted by the authority aforesaid, That if any person who shall contract for fish contrary to the intent of this act, shall, before information shall be made against him for having so contracted for the same, inform against any other party who shall have entered into any such contract, and the party or parties who shall be so informed against shall afterwards, on any such information, be duly convicted of any such offence in manner herein prescribed, then, and in every such case, the person who shall have so informed against and prosecuted to conviction any such other person as aforesaid, shall be acquitted and released from all penalty and forfeiture which the party so informing had incurred by having entered into, or been a party to, any such contract, and shall be intitled to and have one moiety of the penalty which shall be forfeited by reason of the conviction of the party informed against.

Any of the parties concerned in contracting for fish, contrary to this act, giving the first information against, and convicting others, is indemnified himself, and intitled to a moiety of the penalty. Evidences may be summoned, and examined on oath, on behalf of the prosecutor against offenders.

XXVIII. And be it further enacted by the authority aforesaid, That if it shall be made out, by the oath of any credible person or persons, to the satisfaction of any justice or justices of the peace, that any one, within the jurisdiction of any such justice or justices, is likely to give or offer material evidence on behalf of the prosecutor of any offender or offenders against the true intent and meaning of this act, or on behalf of the person or persons accused, and will not voluntarily appear before such justice or justices, and be examined, and give his, her, or their, evidence concerning the premises, every such justice or justices is and are hereby authorized and required to issue his or their summons, to convene every such witness and witnesses before any such justice or justices, at such seasonable time as in such summons shall be

and on their nonappearance, without cause shown, or refusal, warrants shall be issued against them

and on their refusing to be examined,

may be committed for any time not exceeding 14 days, nor less than 3.

Offender escaping out of the jurisdiction of the justice granting a warrant against him,

the justice for the county where he shall escape to, may back such warrant, proof being made of the original signing thereof; and may hear and determine the matter of complaint,

as if it had originally arose within his jurisdiction;

or he may return the offender to his original county, to be dealt with according

to law.

fixed; and if any person so summoned shall neglect or refuse to appear at the time by such summons appointed, and on just cause shall be offered for such neglect or refusal, then, after proof by oath of such summons having been duly served upon the party or parties so summoned, every such justice or justices is and are hereby authorized and required to issue his or their warrant under his hand and seal, or their hands and seals, to bring every such witness or witnesses before any such justice or justices; and, on the appearance of any such witness or witnesses before any such justice or justices, every such justice or justices is and are hereby authorized and empowered to examine, upon oath, every such witness; and if any such witness on his or her appearance, or on being brought before such justice or justices, shall refuse to be examined, on oath, concerning the premises, without offering any just cause for such refusal, any such justice or justices, within the limits of his or their jurisdiction, may, by warrant under his hand and seal, or their hands and seals, commit any person or persons so refusing to be examined to the public prison of the county, riding, division, city, liberty, or place, in which the person or persons so refusing to be examined shall be, there to remain for any time not exceeding fourteen days, nor less than three days, as any such justice or justices shall direct.

XXIX. And be it also enacted by the authority aforesaid, That in case any person against whom a warrant shall be issued by any justice or justices of the peace for any offence against this act, shall go into, reside, or be, in any other county, riding, division, city, liberty, town, or place, out of the jurisdiction of the justice or justices who shall have granted any such warrant or warrants as aforesaid, it shall and may be lawful for any justice or justices of the peace of the county, riding, division, city, liberty, town, or place, into which such offender or offenders against this act shall go or be, to indorse his or their name or names on such warrant (proof being first made, on oath, of such warrant having been signed by such other justice or justices) and every warrant so indorsed shall be sufficient authority to all persons to execute such warrant in such other county, riding, division, city, liberty, town, or place, out of the jurisdiction of the justice or justices who first granted such warrant; and every such justice and justices respectively, as the case shall happen, after indorsing any such warrant as aforesaid, may, on the offender or offenders therein named being apprehended and brought before any such justice or justices within his or their respective jurisdictions, hear and determine the matter of the complaint contained in every such warrant, in the same manner as if such complaint had originally arose within the jurisdiction of such justice or justices who shall have so backed any such warrant; or may direct the offender or offenders to be carried before a justice or justices within whose jurisdiction the offence was committed, there to be dealt with according to law.

And be it further enacted by the authority aforesaid, That one

one moiety of all money which shall be forfeited for any offence which shall be committed against this act (and not herein otherwise appropriated) shall, when recovered, go and be paid to the person or persons who shall prosecute to conviction any such offender or offenders, and the other moiety thereof shall go and be paid to the treasurer of *Greenwich* hospital for the time being, for the benefit of the same hospital.

XXXI. Provided also, and be it further enacted, That it shall be lawful for any person or persons who shall think him, her, or themselves aggrieved by any order or determination of any justice or justices of the peace, upon account of any offence committed, or supposed to be committed, against this act, to appeal to the general or quarter session of the peace which shall be held for the county, city, riding, division, or place, where any such offence shall have been committed, next after the conviction of any offender or offenders for any offence committed against this act; the person or persons so appealing first giving security in double the sum forfeited, before such justice or justices, to prosecute such appeal with effect, and to abide by the order or orders which shall be made on such appeal, and giving eight days notice in writing of his, her, or their intention to appeal, to the party or parties on whose prosecution any such conviction shall be made, if there shall be so many days within the time of such conviction and such general or quarter session, and, if not, then the party or parties who shall deem him, her, or themselves aggrieved by any such conviction, shall and may be at liberty to appeal to the next general or quarter session but one which shall be held next after any such conviction for the county, city, or place, where any such conviction shall be made; and the justices in their said general or quarter session are hereby authorized and required to hear and determine the matter of every such appeal, and to make such order therein, and to award such costs, as to them shall appear just, and to cause to be levied, under the order of any such session, the costs which shall be awarded, together with such money as any such court of session, on the hearing of any such appeal, shall adjudge to be forfeited, by distress and sale of the goods and chattels of the person or persons who shall refuse to pay such costs and money forfeited; and if sufficient goods or chattels of any such offender or offenders cannot be met with to satisfy such costs and money forfeited, then by distress and sale of the goods and chattels of the person or persons who shall have become surety or sureties as aforesaid for the party or parties who shall have so appealed.

XXXII. Provided likewise, and be it also enacted, That no order or proceedings to be made or had by or before any justice of the peace in relation to the premises, shall be quashed or vacated for want of form only; and that the order which shall be made in the premises by the justices at their general or quarter session of the peace as aforesaid, shall be final; and that no proceedings of any such justice or justices out of session, or in their said general or quarter session, in pursuance of this act, shall be remove-

One moiety of all forfeitures, not otherwise appropriated shall go to the prosecutor, and the other to Greenwich hospital.

Persons aggrieved by any order or determination of any justice, may appeal to the next quarter session,

giving 8 days notice to the parties, and security to prosecute such appeal with effect;

and if there be not time to give such notice, appeal may then be made to the subsequent session; and the justices are then to determine the same, and award costs; to be levied, together with the money adjudged to be forfeited, by distress and sale, on the party, if distress can be found, and if not, then on his security.

No order or proceedings of justices may be vacated for want of form; or removed by Certiorari, &c.

nor order of  
the court of  
session be ap-  
pealed from  
Limitation of  
actions.

able by *Certiorari*, letters of advocation or of suspension, or otherwise.

General issue.

XXXIII. And be it enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing which shall be done within this act, every such action or suit shall be brought and commenced within the space of six calendar months next after the cause of action shall have accrued, and not afterwards; and shall be brought, laid, and tried in the county, city, or place, in which the cause of action shall have arisen, and not elsewhere; and that the defendant and defendants in every such action and suit shall plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if the same shall appear to have been so done, or if any such action or suit shall not be commenced within the time before limited, or shall be laid or brought in any other county, city, or place, than where the cause of action shall have arisen; then, and in any of such cases, the jury shall find a verdict for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs in any such action or suit shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants therein shall have appeared, or if, on any demurrer, judgment shall be given for the defendant or defendants; then, and in any of the said cases, every such defendant or defendants shall have and recover treble costs, and shall be intitled to pursue and take such remedy for recovering of the same, as any defendant or defendants hath or have to recover his or their costs in other cases by law.

Treble costs.

Provisions in  
the act touch-  
ing the sale or  
buying of  
fish within  
the bills of  
mortality, and  
penalties for  
non-observ-  
ance thereof,  
are extended  
to the parish  
of Saint Mary  
le bone in  
Middlesex.

XXXIV. And be it further enacted by the authority aforesaid, That all the provisions and regulations herein before contained and enacted, with respect to places within the weekly bills of mortality, touching the sale or buying of fish, and all penalties for the non-observance thereof, shall extend, and be construed to extend, to the parish of Saint Mary le bone in the said county of Middlesex, and shall in like manner to all intents and purposes take place, and be in force, with respect to the said parish of Saint Mary le bone.

The promi-  
sory clauses in  
this act against  
contracts, are  
not to extend  
to those made,  
or to be made,  
with regard to  
salt or dried  
fish, oysters,  
carp or tench.  
No informa-  
tion may be  
received by a  
justice against

XXXV. Provided further, and it is hereby also enacted and declared by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to make void any contract already made, or to prevent any contract from being made, after the said first day of May, one thousand seven hundred and sixty two, by or with any person or persons, in regard to salt or dried fish, oysters, carp, or tench, or any of them.

XXXVI. Provided always, and it is hereby further enacted and declared by the authority aforesaid, That no justice or justices of the peace shall receive any information against any person or persons, by reason of being a party to, or concerned in, any contract for buying up fish to be sold again contrary to the intent of this act, but that all money which shall be payable or forfeited by

by reason of any such contract being made or entered into, shall be recoverable only, together with double costs of suit, by the person who shall inform and sue for the same in one of his Majesty's courts of record at *Westminster*, wherein no essoin, wager of law, or protection, shall be allowed; and one moiety of the money so forfeited, shall, when recovered, go and be paid to the treasurer of *Greenwich* hospital for the time being, for the benefit of the same hospital, and the other moiety thereof to the person or persons who shall inform for and recover the same.

recoverable only, with double costs, in one of the courts at *Westminster*; or to *Greenwich* hospital, and the other to the prosecutor.

any person, for being concerned in any contract for buying up fish to be sold again contrary to this act; but the penalty for entering into such contract, shall one moiety to

## CAP. XVI.

*An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.*

**W**HEREAS the King of Spain has lately been induced, without any provocation on his Majesty's part, in effect, to declare war against his Majesty; which has necessarily engaged his Majesty in actual war with the said King of Spain, in defence of his subjects, and the rights and possessions of his crown: and whereas his Majesty has been pleased to notify the same by proclamation, and a public declaration thereof, on the second day of January, in the year of our Lord one thousand seven hundred and sixty two: Now, for the better carrying on the said war with vigour; and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels, having commissions and letters of marque, and for inducing all British seamen who may be in any foreign service to return into this kingdom, and become serviceable to his Majesty; and for the more effectual securing and extending the trade of his Majesty's subjects; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the flag officers, commanders, and other officers, seamen, marines, and soldiers, on board every ship and vessel of war in his Majesty's pay, shall have the sole interest and property of and in all and every ship, vessel, goods, and merchandises, which they shall take, from and after the second day of January, one thousand seven hundred and sixty two, during the continuance of this war against Spain (being first adjudged lawful prize in any of his Majesty's courts of admiralty in *Great Britain*, or in his Majesty's plantations in *America*, or elsewhere) to be divided in such proportions, and after such manner, as his Majesty, his heirs, and successors, shall think fit to order and direct by proclamation or proclamations hereafter to be issued for those purposes.

Preamble.

The officers and men on board the King's ships, are intitled to the sole property of such captures of the enemy's vessels and effects, during the war with Spain, as shall be made after 2 Jan. 1762, and be adjudged lawful prize; to be divided among them as his Majesty, by proclamation, shall direct.

II. And be it further enacted by the authority aforesaid, That any ship or ships, vessel or vessels, arms, ammunition, stores of war, goods and merchandises whatsoever, with all their furniture, tackle, or apparel, taken, or to be taken, during the present

And all vessels, arms, ammunition, stores of war, goods and



merchandizes, taken by private ships duly licenced,

being first adjudged lawful prize, shall belong wholly to the captors and their owners, to be divided as by agreement among themselves,

paying only the accustomed duties.

The provisions and regulations in act 29 Geo. II.

as explained and amended by act 32 Geo. II.

respecting the granting commissions, or letters of marque; the persons acting, and captures made, under authority thereof, and also the clauses and provisions in

present war with *Spain*, by or with any private owner or owner's ship or vessel, according to any commission or letter of marque to be granted as herein after is directed by the lord high admiral of *Great Britain*, or the commissioners for executing the orders of lord high admiral of *Great Britain*, for the time being, any three or more of them, or any person or persons by or them impowered and appointed (being first adjudged lawful prize in any of his Majesty's courts of admiralty as aforesaid) shall wholly and entirely belong to, and be divided equally between and among, the owner and owners of such ship or vessel, and the several persons who shall be on board thereof, and being and assisting to the taking thereof, in such shares and proportions as shall be agreed on with the owner or owners of such ship or vessel as shall be the captor thereof, their agents or factors, as the proper goods and chattels of such owner or owners, and the persons that shall be thus intitled thereto by virtue of such agreements among themselves; and that neither his Majesty, his heirs, or successors, or any admiral, vice admiral, governor, or other person commissioned by, or claiming under, his Majesty, his heirs, or successors, or any person or persons whatsoever, other than the owner or owners of such ship or vessel being the captain of such prize ship or vessel, arms, ammunition, stores of war, goods, and merchandises, and the person claiming under him or them, shall be intitled to any part or share thereof (except as to the customs and duties) any custom, statute, or other law, to the contrary notwithstanding.

III. And whereas by an act made in the twenty ninth year of the reign of his late Majesty King *George* the Second, intituled, *An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy*, several provisions and regulations were established for the better carrying on the salutary purposes by the said act intended in the prosecution of the war against *France*; and whereas by another act made in the thirty second year of his said late Majesty's reign, intituled, *An act to explain and amend an act made in the twenty ninth year of his present Majesty's reign, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy; and for the better preventing of piracies and robberies by crews of private ships of war*; the said act made in the twenty ninth year of the reign of his said late Majesty was explained and amended, and several further provisions and regulations were established to continue during the war with *France*; be it therefore enacted by the authority aforesaid, That the several regulations and provisions respecting the grant of commissions or letters of marque, the persons acting, and the captures made, under the authority of such commissions or letters of marque, and all other clauses, provisoes, matters, and things, contained in the said act made in the twenty ninth year of the reign of his said late Majesty, as the same were explained and amended by the said recited act of the thirty second year of his said late Majesty's reign; and also all clauses, provisoes, matters,

atters, and things, contained in the said last-mentioned act the thirty second year of the reign of his said late Majesty, shall extend, and be construed and deemed to extend, to the full of commissions or letters of marque to the persons acting, the captures made, under the authority of such commissions or letters of marque, and all other matters or things whatsoever in respect of the same, during the continuance of the present war with Spain, as fully, amply, and effectually, to all intents and purposes, as if the same regulations, provisions, provisos, matters, and things, had been particularly enacted and re-enacted in this act.

the last mentioned act; are extended to the grant of commissions, or letters of marque, &c. under this act:

IV. And be it further enacted by the authority aforesaid, That the several provisions and regulations respecting any prize or bounty monies, contained in an act of the thirty third year of the reign of his late Majesty King George the Second, intituled, *An act for the more effectual securing the payment of such prize and bounty monies as were appropriated to the use of Greenwich hospital by an act made in the twenty ninth year of the reign of his present Majesty*, intituled, *An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy*, shall be in full force with regard to any prizes to be made during the continuance of the present war with Spain, or any bounty money to be paid in respect of such prizes.

And the provisions and regulations in act 33 Geo. II. respecting prize and bounty monies,

are to be in force during the present war with Spain.

#### C A P. XVII.

*An act for the relief of the vassals of the several estates which are or may be annexed to the crown, by virtue of an act passed in the twenty fifth year of the reign of his late Majesty, and for carrying the purposes of the said act more effectually into execution; and for enforcing and carrying into execution so much of an act, passed in the first year of the reign of his present Majesty, as relates to the paying and discharging the Wadsetts affecting the estate of Lovat.*

WHEREAS by an act made in the twenty fifth year of the reign of his late Majesty King George the Second, intituled, *An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method for managing the same; and applying the rents and profits thereof, for the better erecting and improving the highlands of Scotland, and preventing disorder there for the future;* it is, among other things, enacted, *That the lands and hereditages which became forfeited to his late Majesty by the attainer of Simon late lord Lovat; John Drummond, taking upon himself the stile or title of lord John Drummond, brother to James Drummond, taking upon himself the title of duke of Perth; George late earl of Cromarty; and Archibald Mac Donald, son of Coll Mac Donald of Barrisdale; and also the barony of Strowan; and all other lands and hereditaments which formerly belonged to Alexander Robertson of Strowan, and became forfeited to the crown, by decree or sentence of forfeiture passed in the parliament of Scotland in*

Preamble reciting clauses in act 25 Geo. II.

the year one thousand six hundred and ninety, shall, from and after the twenty fifth day of December, one thousand seven hundred and two, be annexed to the imperial crown of this realm, and shall be remain for ever unalienable from the same; and it is thereby enacted, That it shall be lawful to and for his Majesty, his heirs, successors, by commission under the privy seal of Scotland, to authorize and empower such person or persons as his Majesty, his heirs, successors, shall think fit, from time to time, to be commissioners or trustees for managing the said estates, and applying the produce thereof for the ends and purposes appointed by the said act: and whereas this late Majesty, by his commission dated the twentieth of March, one thousand seven hundred and fifty five, did authorize and empower the persons therein mentioned to be trustees and commissioners for managing the said annexed estates; and which commission was passed under the privy seal of Scotland the tenth day of May, in the said year one thousand seven hundred and fifty five; and his present Majesty, by his commission dated the twenty fifth day of July, in the year one thousand seven hundred and sixty one, did also authorize and empower the persons therein named to be trustees and commissioners for managing the said annexed estates; and which commission also was passed under the privy seal of Scotland upon the third day of August, in the said year one thousand seven hundred and sixty one: and whereas there are many small vassals, who, before the forfeiture of the said estates, held their lands and other heritages of the aforesaid attainted persons and their predecessors respectively, and who now hold the same of his Majesty, his heirs, and successors: and whereas it would be a very grievous burden upon the said vassals to make up the titles and infeoffments of their several lands, by precepts from the Chancery, or by charters under the great seal of Scotland, and to be subjected to the expenses attending the same, as required by law in lands holden of the crown; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to his Majesty, his heirs, and successors, to authorize and empower the commissioners and trustees for managing the said estates, named or to be named by his Majesty, his heirs, and successors, in pursuance of the act above recited, to receive resignations, and grant new charters containing precepts of *Safine*, and also to grant all other charters, precepts of *Clare Constab*, and other writings whatsoever, necessary or competent for completing the titles of the foresaid vassals, their heirs, and singular successors, in their lands and other heritages respectively, to be holden feu or blench of his Majesty, his heirs, and successors, in the same way and manner as the said lands and heritages are now holden, or may be holden, of his Majesty; and which charters, precepts of *Safine*, and precepts of *Clare Constab*, to be granted by such commissioners and trustees, are hereby declared to be as valid and effectual to the said vassals, their heirs, and singular successors, for completing

The King may empower commissioners and trustees nominated for the said forfeited estates, to receive resignations, and grant new charters, &c. for completing the titles of the vassals; and the charters, &c. to granted are declared to be valid;

ing their infeoffments in their lands and heritages aforesaid, as if the said infeoffments had proceeded upon charters or precepts under the seal appointed by the treaty of union to be kept in Scotland, in place of the great seal, or upon precepts in Chancery; any thing in the law and practice of Scotland to the contrary notwithstanding.

II. And be it enacted by the authority aforesaid, That all high charters, precepts of *Safine*, and precepts of *Clare Constat*, to be granted by the said commissioners and trustees, shall, before delivery thereof to the vassals, be duly entered and recorded in a book to be kept for that purpose; and that the said vassals, shall be liable to pay, and be chargeable with the same compositions for their entries, as are in use to be paid in the court of *Exchequer* by his Majesty's other vassals, to be applied by the said commissioners and trustees for the same uses and purposes as the other rents, profits, and casualties, of the said annexed estates, and shall further be liable to pay the writer, agent, or other officers of the said commissioners and trustees, employed in expediting the aforesaid titles, such moderate fees, as the said commissioners and trustees shall ascertain, by a table to be made by them for that purpose.

and are to be entered on record, before delivery to the vassals, who are to pay the usual compositions (to be applied to the purposes of the trust) and moderate fees for expediting the titles.

III. Provided always, That it shall and may be competent to the vassals of the said estates, their heirs, and singular successors, or any of them, if they shall think fit, to make up their titles to their respective lands, by precepts from the *Chancery*, or charters under the great seal, in the same way and manner as is competent to the other vassals of the crown; and that such titles only, and no other, shall be deemed and taken to be a freehold qualification, and to entitle the vassals of the said estates to be enrolled amongst the freeholders, and to vote in the election of a member to serve in parliament for the county, shire, or stewartry, where their lands lie; any thing in this act to the contrary notwithstanding.

The vassals may make up their titles by precepts from the Chancery, or charters under the great seal; which shall be deemed a freehold qualification, and intitle them to vote in the election of members.

IV. And whereas by the act of the twenty fifth year of his late Majesty, in part above recited, it is provided, That no person shall be capable of taking or enjoying, directly or indirectly, any lands or tenements, other than mines and fishings, by virtue of any lease or leases to be granted by the said commissioners of greater annual rent than twenty pounds at the utmost: and whereas the reason for excepting mines and fishings from the above proviso, does equally apply to woods and mills, be it enacted by the authority aforesaid, That it shall and may be lawful to the commissioners and trustees named, or to be named, by his Majesty, his heirs, and successors, for managing the said estates, to grant leases of woods and of mills, with the milln lands usually let with the same, for such yearly rent as can be obtained for the same, though exceeding twenty pounds sterling; any thing in the said act to the contrary notwithstanding.

Clause in act 25 Geo. II. The commissioners and trustees may grant leases of woods and mills, with the milln lands usually let therewith, though the rent exceed 20l. per Ann.

V. And whereas by an act made in the first year of his present Majesty's reign, intituled, *An act for enabling his Majesty to raise*

Recital of clauses in act 1 Geo. III.

raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for exempting any annuities or sums of money granted or to be granted to the royal family, from payment of taxes; certain aids or supplies granted to his Majesty, are thereby appropriated for and towards the several uses and purposes therein expressed; and particularly it is thereby enacted, That out of all or any of the aids or supplies therein mentioned, there shall and may be issued and applied any sum or sums of money not exceeding thirty eight thousand five hundred and fifty three pounds, twelve shillings, and one penny, and three fourths of a penny, upon account, for paying and discharging the debts and wadset sums, with the necessary expences attending the payment of the same, claimed and sustained upon the lands and estate which became forfeited to the crown by the attainder of *Simon* late lord *Lovat*, &c. so much of the said debts and sums as shall be remaining unsatisfied, according to the several decrees in that behalf respectively made by the lords of session in *Scotland*, and pursuant to the act of the twenty fifth year of the reign of his late Majesty King *George* the Second, above recited; and for the better and more easy payment of the said debts and wadset sums, it is thereby enacted, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, to issue, or cause to be issued, in such proportions as they shall think fit, to either or both of the banks of *Scotland*, at *Edinburgh*, a sum not exceeding thirty eight thousand five hundred and fifty three pounds, twelve shillings, and one penny, three fourths of a penny, to be applied in paying and discharging the said debts and sums, with the necessary expence attending the payment of the same; and the several creditors, whose claims have been sustained upon the said lands and estates as aforesaid, are thereby directed and required on or before the fifth day of *July*, one thousand seven hundred and sixty one, to produce, or cause to be produced, in his Majesty's court of exchequer in *Scotland*, the decree or decrees of the court of session, sustaining the said claims; and, upon producing of every such decree or decrees, the barons of the said court of exchequer are thereby empowered and required to make out debentures or certificates, under their hands, for the several sums of money which shall appear to be due by and under the said decrees respectively; and the several sums contained in the said debentures or certificates, are directed to be paid, at sight, by the said bank or banks, out of the money aforesaid, to the person or persons intitled by the said debentures to receive the same: provided always, That if the decree or decrees, sustaining the claim or claims of any creditor or creditors aforesaid, shall not be produced in his Majesty's said court of exchequer, on or before the fifth day of *July*, one thousand seven hundred and sixty one, as aforesaid, such claim or claims shall not carry any farther interest after the said first day of *July*, one thousand seven hundred and sixty one: and whereas, in pursuance of the act last above-recited, the sum of thirty seven thousand

and in act 25  
Geo. II.

thousand three hundred and forty eight pounds, nine shillings, and five pence, was issued by the commissioners of his Majesty's treasury, and lodged in the royal bank of *Scotland*, at *Edinburgh*, preceding the said fifth day of *July*, one thousand seven hundred and sixty one, for paying and discharging the debts and wadset sums aforesaid, and has, in part, been applied in paying and discharging the several creditors upon the said estate, who produced the decrees of the court of session, sustaining their several claims in the said court of exchequer, according to the directions of the aforesaid statute: and whereas the wadsetters upon the said estate whose claims have been sustained for their several wadset sums, by decrees of the said court of session, are in possession and receipt of the rents and profits of the lands wadsetted to them respectively, for payment of their several wadset sums, and cannot be removed from that possession until their wadsets are redeemed by payment or consignation of their several wadset sums, according to the order of redemption prescribed in their several wadset rights, whereby the trustees and commissioners for managing the said annexed estates, are kept out of the possession and receipt of the rents and profits of the said wadset lands, and, in the mean time, the money provided by parliament, and lodged in the said bank for discharging these wadsets, remains a dead stock bearing no interest: and whereas the prosecuting of separate declarators of redemption, and removing against each of the said wadsetters, would be attended with great delay, and unnecessary expence to the public; be it therefore enacted by the authority aforesaid, That one action of declarator of redemption, containing a conclusion of removing, may be brought before the court of session, in the name of his Majesty's advocate, against the whole wadsetters upon the said estate, which may and shall be served against the defendants under the general description of *The wadsetters upon the estate of Lovat*, by one edictal citation upon oath, thirty days notice to be affixed on the walls of the inner and outer house of the said court of session, where the rolls of causes in that court are usually affixed, concluding to have it found and declared, that the lodgement of the sums aforesaid in the royal bank at *Edinburgh*, for paying and discharging their several wadset sums, is and shall be deemed and taken to be a legal and proper consignation of their several wadset sums, to all intents and purposes, as if the order of redemption prescribed in their several wadset rights had been complied with and followed out against each of them separately; and that the lands and other heritages wadsetted to them respectively, shall be held, deemed, and taken to be redeemed, and out quit from them, their heirs, and successors respectively; and they, and their tenants, servants, and other dependants, be removed from the possession of the said lands and other heritages wadsetted to them as aforesaid, at the respective terms of removing specified in their several wadset rights, and decrees of the court of session sustaining their claims, or at such other terms or terms as to the said court shall seem just, so as that the said

One action of declarator of redemption, containing a conclusion of removing, may be brought in the name of the King's advocate, against the whole wadsetters upon the estate of Lovat, the lodgment of the money in the bank at Edinburgh, for paying off the wadset sums, being deemed a legal consignation thereof, and the lands to be thereupon redeemed, and the occupiers removed,

com-

and the commissioners and trustees, and their tenants, to enter into possession :

The court to proceed in the said action in a summary way.

Wadsetters may compleat their titles, by obtaining charters, &c. from the commissioners,

paying the usual fees ; And upon compleating the same ; and granting discharges ; and producing the same to the barons of the Exchequer, with decrees of the court sustaining the claims ; the barons shall make out debentures for the money due ; which shall be discharges to the bank.

The provisions touching the entry of the vassals of the said annexed estates, shall extend to all such other estates as are, or may be, annexed to the crown, in pursuance of act 25 Geo. II. &c.

commissioners and trustees, and their tenants, may have free access to enter to the possession of the said wadsett lands in time coming ; and the said court of session is hereby authorized and required to proceed in the aforesaid action in a summary manner, without abiding the course of any roll, and to give the like decree or decrees therein, as would have been competent in law in a separate action of declarator and removing against each of the said wadsetters, proceeding upon the order of redemption laid down and prescribed in their several wadsett rights.

VI. And whereas it may happen that some of the said wadsetters may not be duly vested and seised in the said wadsett lands, so as to be enabled to discharge and renounce their wadsett right in a habile and proper manner ; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person or persons having right to such wadsetts, and to the decrees of the court of session sustaining the same, to compleat their titles in the wadsett lands respectively, by obtaining charters, precepts of *Clare Constat*, or other warrants for infeoffment, from the said commissioners and trustees, in the same way and manner, and upon payment of the same fees, as by this act is made competent to the vassals of the said annexed estates.

VII. And be it enacted by the authority aforesaid, That upon compleating such titles, and granting the proper discharges and renunciations of the said wadsett rights, or of any of them, and producing the same before the barons of the said court of *Exchequer*, together with the decree or decrees of the court of session sustaining the claim or claims of such wadsetter or wadsetters, the barons of the said court of *Exchequer*, or any three or more of them, shall, and they are hereby impowered and required, to make out debentures or certificates for the several sums of money which shall appear to be due by and under the said decrees respectively, in the same form, and to be issued, delivered, and paid, to the said wadsetters, or others in their name, in the same way and manner as is provided for, and directed by, the act above recited, with respect to the payment of the other creditors upon the said estate ; and the said debentures or certificates shall be to the said royal bank at *Edinburgh* sufficient discharges for such payment.

VIII. And be it further enacted by the authority aforesaid, That the whole provisions of this act touching the entry of the vassals of the annexed estates aforesaid to their respective lands and heritages, shall extend to the vassals of all such other estates as now are, or may be, annexed to the imperial crown of this realm, in pursuance of the aforesaid act of the twenty fifth year of his late Majesty's reign, from and after the time that such other estates shall become subject to the administration and management of the commissioners and trustees appointed, or to be appointed, by his Majesty, his heirs, and successors, in pursuance of the said act ; and that in all cases, and so often as it shall happen, that provision shall be made by parliament for paying and

and discharging the wadsetts affecting any such other estate and the like action shall be competent, in like cases, against the wadsetters of such estates; and they shall have like method of completing their titles, and of renouncing the same.

which now is, or hereafter may be, annexed to the crown in consequence of the aforesaid act, the like action against the wadsetters of each estate respectively shall be competent to his Majesty's advocate, and shall proceed in the same form and manner, and to the same effect, and that the like method of completing the titles of the wadsetters upon such other estates, and of renouncing and discharging the same, shall be competent to them, and take place in the same form and manner as herein is above provided with respect to the wadsetters of the estate of Lovat.

## CAP. XVIII.

*An act for rendering more effectual an act made in the twelfth year of the reign of her late Majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude.*

WHEREAS by an act of parliament made in the twelfth year of the reign of her late Majesty Queen Anne, intituled, "An act for providing a publick reward for such person or persons as shall discover the longitude at sea," the commissioners thereof, or any five or more of them, have full power to hear and receive any proposal or proposals that shall be made to them for discovering the said longitude; and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such discovery, as to think it proper to make experiment thereof, they shall certify the same, under their hands and seals, to the commissioners of the navy for the time being, together with the persons names who are authors of such proposals, and upon producing such certificate, the said commissioners are thereby authorized and required to make out a bill or bills for any such sum or sums of money, not exceeding two thousand pounds, as the said commissioners for the discovery of the said longitude, or any five or more of them, shall think necessary, for making the experiments, payable by the treasurer of the navy, which sum or sums the treasurer of the navy is, by the said act, required to pay immediately to such person or persons as shall be appointed by the said commissioners to make those experiments, out of any money that shall be in his hands unapplied for the use of the navy and whereas, for a due and sufficient encouragement to any such person or persons as shall discover a proper method for finding the said longitude, it is likewise enacted by the said act, That the first author or authors, discoverer or discoverers, of any such method, his or their executors, administrators, or assigns, shall be intituled to, and have, such reward as in the said act is particularly mentioned and whereas by another act of parliament made in the fourteenth year 14 Geo II, of the reign of his late Majesty King George the Second, intituled, "An act for surveying the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereof belonging, in order to the more exact determination of the longitude



“ and latitude thereof,” it was enacted, That the said commission for discovering the said longitude, or any five or more of them, ~~they~~ have full power to apply such part of the said sum of two thousand pounds, mentioned in the said first recited act, as had not then laid out in experiments, as they should think necessary for the said survey, and determining the longitude and latitude of the ports and head lands on the coasts of Great Britain and Ireland, the islands and plantations thereto belonging; and that such sum or sums, part of the said two thousand pounds, which the said commissioners, or any five or more of them, should think necessary, should be paid immediately by the treasurer of the navy, to such person or persons as should be appointed by the said commissioners to make such survey, and determine such longitude and latitude, out of the money that should be in the hands of such treasurer unapplied for the use of the navy: and whereas by an act made in the twenty sixth year of the reign of his late Majesty King George the Second, intituled, “ An act to render more effectual an act made in the twelfth year of the reign of her late Majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea,” with regard to the making experiments of proposals made for discovering the longitude, and to enlarge the number of commissioners for putting in execution the said act, the further sum of two thousand pounds was directed to be applied in such manner as the commissioners for the discovery of the longitude should think necessary, for making further experiments: and whereas the said commissioners have, by virtue of the powers vested in them by the said several acts before-mentioned, heard and received several proposals made to them, at different times, for discovering the said longitude, and have, accordingly, certified the same, from time to time, to the commissioners of the navy for the time being, whereupon bills have been made out for several sums of money, amounting, in the whole, to four thousand pounds; all which respective sums have been paid to several persons by the treasurer of the navy, pursuant to the directions of the said acts of parliament; which the said commissioners for discovering the longitude, thought necessary for making the said experiments: and whereas by reason of the several payments made by the treasurer of the navy to the several persons as aforesaid, the said commissioners have, by virtue of the said acts of parliament, expended the whole of the sums thereby granted for the purposes aforesaid: and whereas, from the experiments which have already been made in pursuance of the powers vested in the said commissioners as aforesaid, there is great reason to expect that, by continuing to encourage ingenious persons to invent and make further improvements and experiments, in order to discover the said longitude, such discoveries may at length be produced as will effectually answer that end, and thereby contribute very much to the advantage of the trade and honour of this kingdom: therefore, for enabling the said commissioners to cause such further experiments to be made as they shall think proper for the purposes aforesaid, be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

Assembled, and by the authority of the same, That the said commissioners, constituted by the said several acts of parliament above-mentioned for the discovery of the longitude at sea, and for examining, trying, and judging, of all proposals, experiments, and improvements, relating to the same, or any five or more of them, shall have full power to hear and receive any proposal or proposals that have been, or shall hereafter be, made to them for discovering the said longitude at sea; and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such proposal or discovery, as to think it proper to make experiment thereof, they shall certify the same, under their hands and seals, to the commissioners of the navy for the time being, together with the persons names who shall be the authors of such proposals; and, upon producing such certificate, the said commissioners of the navy are hereby authorized and required to make out a bill or bills for any such sum or sums of money, not exceeding two thousand pounds, as the said commissioners for the discovery of the said longitude, or any five or more of them, shall think necessary for making any experiments in pursuance of this act, or any of the said former acts above-mentioned, payable by the treasurer of the navy; which sum or sums the treasurer of the navy for the time being is hereby required to pay immediately to such person or persons as shall be appointed by the commissioners for the discovery of the said longitude, to make those experiments, out of any money that shall be in his the said treasurer's hands applied for the use of the navy. Necessary; to be paid by the treasurer of the navy out of any money in his hands unapplied.

The commissioners constituted under the recited acts, are empowered to hear and receive proposals for discovering the longitude at sea; and being so far satisfied of the probability of any such proposal, as to think proper to make experiment thereof, they are to certify the same, with the authors names, to the commissioners of the navy; who are to make out bills thereupon for any sum or sums not exceeding, as shall be thought ne-

CAP. XIX.

*An act for the better preservation of the game in that part of Great Britain called England.*

FOR the better preservation of the game in this kingdom, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons, after the first day of June, one thousand seven hundred and sixty two, shall, upon any pretence whatsoever, take, kill, destroy, carry, sell, buy, or have in his, her, or their possession or use, any partridge, between the twelfth day of February and the first day of September, in any year; or any pheasant, between the first day of January and the first day of October, in any year; or any heathcock, commonly called *Black Game*, between the first day of January and the twentieth day of August, in any year; or any roe, commonly called *Red Game*, between the first day of December and the twenty fifth day of July, in any year.

II. Provided always, That nothing in this act shall extend to any pheasant which shall be taken in the season allowed by this act, and kept in any mew or breeding-place.

Preamble.  
After 1 June, 1762, no person may take, kill, buy, or sell, or have in his custody, any partridge, between 12 Feb. & 1 Sep. or pheasant, between 1 Feb. and 1 Oct. or heath fowl, between 1 Jan. and 20 Aug. or grouse, between 1 Dec. and 25 July, in any year; Pheasants taken in the proper season, and kept in mews, or breeding places, except-

This act not  
to extend to  
Scotland.

III. Provided also, That nothing in this act contained shall extend, or be construed to extend, to that part of *Great Britain* called *Scotland*.

Persons of-  
fending in any  
of the cases  
aforesaid,  
forfeit 5 l. per  
bird, to the  
prosecutor,

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall transgress this act in any of the aforesaid cases, and shall be lawfully convicted thereof by the oath of one or more credible witness or witnesses, every such person shall, for every partridge, pheasant, heath fowl, or grouse, so taken, killed, destroyed, carried, sold, bought, or found in his, her, or their possession or use, contrary to the true intent and meaning of this act, forfeit and pay the sum of five pounds to the person or persons who shall inform or sue for the same: and it shall and may be lawful to and for any person or persons to sue and prosecute for, and recover, the said penalty of five pounds, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and in such action or suit, no essoin, wager of law, or more than one imparlance, shall be allowed.

to be recover-  
ed, with full  
costs, in any  
of the courts  
at *Westmin-  
ster*.

Recital of  
clause in act  
8 Geo I.

V. And whereas by an act passed in the eighth year of the reign of his late Majesty King *George the First*, intituled, *An act for the better recovery of the penalties inflicted upon persons who destroy the game*; it was enacted, That whosoever any person shall, for any offence to be hereafter committed against any law now in being for the better preservation of the game, be liable or subject to any pecuniary penalty or sum of money, upon conviction before any justice or justices of the peace, it shall and may be lawful for any other person whatsoever, either to proceed to recover the said penalty by information and conviction, before a justice or justices of the peace, in such manner as is in such law contained, or to sue for the same by action of debt, or on the case, bill, plaint, or information, in any of his Majesty's courts of record: and whereas, a moiety or portion of the said pecuniary penalty is, by several acts of parliament, directed to be applied to and for the use of the poor of the parish wherein such offence shall be committed, by reason whereof inhabitants of the said parish have been disallowed to give evidence touching such offences: and whereas suits by action of debt, or on the case, bill, plaint, or information, are often attended with great costs and charges to the prosecutor, by means whereof the end or intentions of the said act have been, in a great measure, frustrated; for remedy whereof, be it enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for any person whatsoever, to sue for and recover the whole of such penalty for his own use, by action of debt or on the case, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, wager of law, or more than one imparlance, shall be allowed; and wherein the plaintiff, if he recovers, shall have his double costs; and that no part of the said penalty, recovered in any such suit or action, shall be paid, or applied to or for the use of the

The whole of  
the pecuniary  
penalties under  
the said act,  
may be sued for,  
and recovered to  
the sole use of  
the prosecutor,  
with double  
costs;  
and no part  
thereof to go  
to the use of

The poor of the parish wherein such offence shall be committed; the poor of any law or usage to the contrary notwithstanding.

VI. Provided always, and be it enacted, That no such action, suit, bill, plaint, or information, shall be brought or exhibited, but within the space of six months next after the matter or thing done, for which the same shall be commenced or exhibited as afore said. Prosecutions to be within 6 months after the fact committed.

### CAP. XX.

*An act to explain, amend, and reduce into one act of parliament, the several laws, now in being, relating to the raising and training the militia within that part of Great Britain called England.*

**W**HEREAS a well regulated militia has been found to be of great utility, and is of the utmost importance to the internal defence of this country: And whereas the laws now in force for the training and regulating thereof, are in some respects defective; be it

therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and after the passing of this act, his Majesty, his heirs, and successors, may and shall issue forth commissions of lieutenancy, for the respective counties, ridings, and places, herein after mentioned; and the respective lieutenants thereby appointed shall have full power and authority, and they are hereby required to call together all such persons, and to arm and array them at such times, and in such manner, as is herein after expressed; and such respective lieutenants shall, from time to time, constitute and appoint such persons as they shall think fit, qualified as is herein after directed, and living within their respective counties, ridings, and places, to be their deputy lieutenants; the names of such persons having been first presented to, and approved by, his Majesty, his heirs, or successors; and shall, before the times appointed for holding the third meetings of the deputy lieutenants and justices of peace within their respective subdivisions, for choosing by lot the persons to serve in the militia as herein after mentioned, appoint a proper number of colonels, lieutenant colonels, majors, and other officers, also qualified as is herein after directed, to train and discipline the persons so to be armed and arrayed, according to the rules, orders, and directions herein after provided, and shall certify to his Majesty, his heirs, or successors, the names and ranks of such officers, within one month after they shall be so appointed; and in case his Majesty, his heirs, or successors, shall, within one month after such certificate laid before his Majesty, his heirs, or successors, signify his or their disapprobation of any person to be such officer in the militia, his Majesty's lieutenant shall not grant a commission to such person, but shall grant commissions to such persons so appointed, who shall not be disapproved of by his Majesty, his heirs, or successors, as afore said. The King to issue forth commissions of lieutenancy for the respective counties; the lord lieutenants empowered thereupon to assemble and arm the militia, and appoint deputy lieutenants, being first approved of by his Majesty; and grant commissions to a proper number of officers, before the third meetings of the deputy lieutenants, for choosing the men by lot: Their names to be certified to his Majesty within a month after; and if he shall signify his disapprobation of any of them, no commission is to be granted to such,

The lord lieutenant being absent out of Great Britain, the King may authorize the deputy lieutenants to fill up vacant commissions.

Commissions of lieutenancy, deputations, and other commissions already granted, to stand good; if the parties be duly qualified.

Deputation of deputy lieutenants, and officers commissions, not vacated by the revocation, &c. of the commission of lieutenancy.

Lord lieutenant to have the chief command of the militia of the county. Twenty or more deputy lieutenants to be appointed for every county, if so many can be found qualified.

Qualification of a deputy lieutenant and colonel, 400l. per Ann. of a lieutenant colonel and major, 300l. per Ann.

of a captain, 200l. per Ann.

II. And be it enacted, That when the lieutenant of a county, riding, or place, shall be absent out of the kingdom of *Great Britain*, it shall and may be lawful for his Majesty, his heirs, and successors, to authorize and appoint three deputy lieutenants to grant commissions to officers serving or to serve in the militia for such county, riding, or place, upon any vacancy that shall happen during the absence of the said lieutenants; which commissions shall be good and valid in like manner as if they had been granted by the lieutenant himself.

III. Provided always, and be it enacted, That nothing herein contained, shall be construed to vacate any commission of lieutenancy already granted by his Majesty, nor any deputations granted to deputy lieutenants, nor any commissions granted to officers; but that the same shall continue in full force and vigour, for the purposes of this act, so as the said deputy lieutenants and officers be qualified as is herein after directed.

IV. Provided also, and be it enacted, That no deputation of any deputy lieutenant, nor any commission of any officer in the militia, already granted or to be granted by any lieutenant for any county, riding, or place respectively, shall be vacated by reason of the revocation, expiration, or discontinuance, of the commission by which such respective lieutenants were or shall be appointed.

V. And be it enacted, That his Majesty's lieutenant of every county, riding, or place, shall have the chief command of the militia thereof which shall be raised by virtue of this act: and in every county, riding, or place, in *England* (except as is herein after excepted) there shall be appointed twenty or more deputy lieutenants, if so many persons qualified as is herein before and after expressed, can be therein found; and if twenty persons so qualified cannot be therein found, then there shall be appointed so many persons as can be therein found: and each person so to be appointed a deputy lieutenant or colonel, shall be seized or possessed, either in law or equity, for his own use and benefit, in possession of a freehold, copyhold, or customary estate for life, or for some greater estate, or of an estate for some long term of years, determinable on one or more life or lives, in manors, messuages, lands, tenements, or hereditaments, in *England*, *Wales*, or the town of *Berwick upon Tweed*, of the yearly value of four hundred pounds, or shall be heir apparent of some person who shall be, in like manner, seized or possessed of a like estate as aforesaid, of the yearly value of eight hundred pounds: and each person so to be appointed a lieutenant colonel, or major, shall be, in like manner, seized or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds; or shall be heir apparent of some person who shall be, in like manner, seized or possessed of a like estate as aforesaid, of the yearly value of six hundred pounds: and each person so to be appointed a captain, shall be, in like manner, seized or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; or shall be heir apparent of some person who shall be, in like manner, seized or possessed

"of a like estate as aforesaid, of the yearly value of four hundred pounds; or shall be a younger son of some person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of ~~six~~ <sup>lieutenant,</sup> hundred pounds: and that each person so to be appointed a <sup>100l. per Ann.</sup> lieutenant shall be, in like manner, seised or possessed of a like <sup>and ensign,</sup> estate as aforesaid, of the yearly value of one hundred pounds; <sup>20l. per Ann.</sup> or shall be son of some person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds: and <sup>A moiety of</sup> each person so to be appointed an ensign, shall be, in like man- <sup>the estates re-</sup> ner, seised or possessed of a like estate as aforesaid, of the yearly <sup>quisite to their</sup> value of twenty pounds; or shall be son of some person who <sup>several quali-</sup> shall be, or, at the time of his death, was, in like manner, seised <sup>cations, except</sup> or possessed of a like estate as aforesaid, of the yearly value of <sup>those of the</sup> fifty pounds: one moiety of which said estates, required as qual- <sup>subaltern offi-</sup> ifications for each deputy lieutenant, colonel, lieutenant colo- <sup>cers, to be</sup> nel, major, and captain respectively, shall be situate or arising <sup>within the</sup> within such respective county or riding in which he shall be ap- <sup>county for</sup> pointed to serve, <sup>which they</sup> <sup>serve,</sup>

VI. Provided always, and be it enacted, That for the purposes of the respective qualifications required by this act, the immediate reversion or remainder of and in manors, messuages, lands, tenements, or hereditaments, which are leased for one, two, or three life or lives, or for any term of years determinable upon the death of one, two, or three life or lives, on reserved rents, and which are to the tenant, or to the clear yearly value of three hundred pounds, shall be deemed equal to an estate herein before described as a qualification of the yearly value of one hundred pounds; and in proportion, be the said qualification of a greater or less degree.

VII. And be it enacted, That a person possessed either in law or equity, for his own use and benefit, in possession of an estate for a certain term originally granted for twenty years, or more, of an annual value, over and above all rents and charges payable out of or in respect of the same, equal to the annual value of such an estate as is required for the qualification of a deputy lieutenant, and commission officer of the militia respectively, and situate as aforesaid; shall be, and is hereby deemed and declared to be, duly and sufficiently qualified to act and serve under such respective commission.

VIII. And be it enacted, That in the several counties of *Cumberland, Huntingdon, Merioneth, Wiltshire, and Rutland*, and of every county and place in the dominion of *Wales* respectively, there shall be five or more deputy lieutenants appointed (if so many persons qualified as herein after expressed can be therein found) and the estates requisite for the qualification of the respective deputy lieutenants and officers of the militia therein, shall be as follows; that is to say, a deputy lieutenant or colonel shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds; or shall be heir apparent of a person who shall be, in like man-

What shall be deemed equal to an estate of 100l. per Ann. and so in proportion, requisite to a qualification.

A leasehold estate originally granted for 20 years, equal in annual value to

is required for the qualification of a deputy lieutenant and commission officer, deemed a sufficient qualification.

Five or more deputy lieutenants for the counties of Cumberland, Huntingdon, Merioneth, Wiltshire,

and Rutland, and of every county and place in the dominion of Wales respectively. Qualification of a deputy lieutenant or colonel for these counties, 300l. per Ann.

of a lieutenant colonel, 200l. per ann. ner, seised or possessed of a like estate as aforesaid, of the yearly value of five hundred pounds: a lieutenant colonel, or major, shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; or shall be heir apparent of a person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds: a captain shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds; or shall be son of a person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of seventy pounds; or shall be son of a person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds: an ensign shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of twenty pounds; or shall be son of a person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of fifty pounds: one half of all which respective estates, except those for the qualifications of lieutenants and ensigns, shall be situate or arising within such respective county or riding, in which such officers shall be respectively appointed to serve.

In those counties where 20 deputy lieutenants cannot be found duly qualified, and willing to act, so many with a qualification of 200l. per ann. may be appointed, as will make up that number. The whole number for such county not to exceed 20.

Qualification of deputy lieutenants and officers for the use of *Ely*, viz. of a deputy lieutenant, 200l. per ann. of a captain, 200l. per ann.

IX. Provided always, That in such counties where twenty persons cannot be found qualified as aforesaid, and willing to act as deputy lieutenants, it may and shall be lawful for his Majesty's lieutenant of any such county, and he is hereby required, after having appointed so many persons as can be found qualified as aforesaid, to appoint such number of persons to be deputy lieutenants as shall be requisite to make up the number twenty, who shall respectively be seised or possessed of a like estate of the yearly value of two hundred pounds, and situate as aforesaid: provided, that the persons so appointed shall not make the whole number of deputy lieutenants for the said county to exceed the number of twenty; and every such person shall be, and is hereby deemed and declared to be, duly and sufficiently qualified to act and serve under such respective commission.

X. And be it enacted, That the estates requisite for the qualification of the deputy lieutenants and officers of the militia in the shire of *Ely*, in the county of *Cambridge*, shall be as follows; a deputy lieutenant shall be seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; or shall be heir apparent of some person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds: a captain shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds; or shall be heir apparent of a person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; or shall be a younger son of some person who shall be, or, at the time of his

his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds : a lieutenant shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of fifty pounds ; or shall be son of some person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds : an ensign shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of twenty pounds ; or shall be son of some person who shall be, or, at the time of his death, was, in like manner, seised and possessed of a like estate as aforesaid, of the yearly value of fifty pounds : one half of all which estates, except those for the qualifications of lieutenants and ensigns, shall be situate or arising within the said isle of *Ely*, or some other part of the county of *Cambridge*.

XI. And be it enacted, That in all cities or towns which are counties within themselves, and have heretofore been impowered, by law or antient use, to raise and train a separate militia within their several precincts and liberties, and which are by this act united with, and made part of, any county or counties for the purposes of this act only ; his Majesty's lieutenants of such cities or towns, or, where there is no lieutenant appointed by his Majesty, the chief magistrate of such city or town, shall appoint five or more deputy lieutenants (if so many persons qualified as is herein after expressed can therein be found) and shall also appoint officers of the militia, whose number and rank shall be proportionable to the number of militia men which such city or town shall raise, as their *quota*, towards the militia of the county to which such city or town is, by this act, united for the purposes aforesaid ; the qualification of which officers respectively shall be as is herein after-mentioned ; and all powers given, and provisions made, by this act, with respect to counties at large, and the militia thereof, and the registering the qualifications of deputy lieutenants and officers, shall take place and be in force with respect to the said cities and towns, and the militia thereof, and the registering the said qualifications, except only as to the particulars herein expressed and otherwise provided for ; that is to say, after the number of persons which such city or town is to furnish to the militia shall have been appointed, as is herein after directed, by his Majesty's lieutenant and the deputy lieutenants, or by the deputy lieutenants of the county at large of the militia whereof the militia of such city or town is, by this act, made a part ; any two or more of the deputy lieutenants, within such city or town, shall have and exercise all the powers conferred by this act on any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace of any county at large : and the value of the respective qualifications of the deputy lieutenants and officers of the militia of such cities or towns, shall be as follows ; every deputy lieutenant and field officer shall respectively be seised or possessed

lieutenant,  
50 l. per ann.  
and ensign,  
20 l. per ann.  
A moiety of  
the estates re-  
quisite to  
their several  
qualifications,  
except for  
lieutenants  
and ensigns,  
to be in the  
isle of *Ely*, or  
Com. *Cam-*  
*bridge*.

five or more  
deputy lieu-  
tenants to be  
appointed  
for such cities  
and towns as  
are counties  
within  
themselves ;

and officers  
proportiona-  
ble to the  
quota of men.  
All powers  
and provisions  
in the act re-  
specting coun-  
ties at large,  
extended to  
the said cities  
and towns ;  
except, that  
after the  
number of  
men they are  
to furnish, is  
appointed,  
two deputy  
lieutenants  
may exercise  
all the powers  
conferred by  
the act on  
3 deputy  
lieutenants,  
&c.

The quali-  
fication for  
such cities  
and towns,  
viz.  
of a deputy  
lieutenant,  
possessed



and field officer, 300 l. per ann. of a captain, 150 l. per ann. lieutenant or ensign, 50 l. per ann. A moiety of the estates requisite to their several qualifications, except for lieutenants and ensigns, to be within the same, or the county at large to which they are united; and the militia thereof to join that of the county, and to be exercised together with them at the general exercise; and when drawn out and embodied, to be deemed part thereof. Officers may be promoted for their military merit in time of actual invasion, or rebellion, though they want a proper qualification; but none to be promoted higher than a captain, who want a qualification for that rank. Recited qualifications not to extend to commissions granted by the constable of the tower, or lieutenant of the tower hamlets. Deputy lieutenants.

possessed of a like estate as aforesaid, of the yearly value of three hundred pounds; or shall be possessed of a personal estate alone, or seised or possessed of real and personal estate together, to the amount or value of five thousand pounds: and the qualification of a captain shall be a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, or seised or possessed of real and personal estate together, to the amount or value of two thousand five hundred pounds: and the qualification of a lieutenant or ensign shall be a like estate as aforesaid, of the yearly value of fifty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, to the amount or value of seven hundred and fifty pounds: one half of all which real estates respectively (except those for the qualifications of lieutenants and ensigns) shall be situate or arising within such city or town, or within the county at large to which such city or town is, by this act, united for the purposes aforesaid; and his Majesty's lieutenants and the chief magistrates of such cities or towns, being counties in themselves, respectively, shall, and they are hereby required to put the powers conferred by this act, for raising and training the militia within such cities or towns, into execution; but the militia of such cities and towns as aforesaid being, by this act, declared to be part of the militia of the counties to which such cities and towns are united for the purposes aforesaid, the militia of such cities or towns shall join the militia of the county to which such cities or towns are so united for the purposes aforesaid; and the whole militia so joined together, shall be exercised together at the general exercise, and shall then, and when drawn out and embodied, be deemed the militia of the county to which such cities or towns are united for the purposes aforesaid.

XII. And be it enacted, That when any regiment or battalion of militia shall be drawn out and embodied, his Majesty's lieutenant of the county, riding, or place, for which such regiment or battalion shall serve, may, upon account of military merit shewn in time of actual invasion or actual rebellion, promote any officer therein from a lower to a higher commission, inclusive of that of lieutenant colonel, notwithstanding he should not have the qualifications requisite for his first admittance into such higher rank in such regiment or battalion: provided, that no persons not having the qualification herein before directed for a captain, shall be promoted to an higher rank than that of captain.

XIII. And be it enacted, That the qualifications above recited to enable any person to be a deputy lieutenant, lieutenant colonel, major, captain, lieutenant, or ensign, shall not extend to such commissions as shall be granted by his Majesty's constable of the tower, or lieutenant of the tower hamlets.

XIV. And be it enacted, That his Majesty, his heirs, and successors, shall, from time to time, as he and they shall think fit, signify his and their pleasure to his and their lieutenants of

any county, riding, or place, to displace all or any such deputy lieutenants and officers; and thereupon his Majesty's respective lieutenants shall appoint others within the same county, riding, or place, under the like qualifications, to serve in their stead.

XV. And be it enacted, That no deputy lieutenant or commission officer in the militia shall act as such, until he shall have left with the clerk of the peace of the county, riding, or place, in and for which he shall be so appointed, his qualification in writing, signed by himself; and such clerk of the peace is hereby required to enter the same upon a roll to be kept for that purpose: and every deputy lieutenant and commission officer not having already taken and subscribed the oaths, and made, repeated, and subscribed, the declaration, as required by the said former acts relating to the militia, shall, at some general quarter sessions, or in one of his Majesty's courts of record at *Westminster*, within six months after he shall have accepted his commission, take the oaths in and by an act passed in the first year of the reign of his Majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and the preservation of the crown in the heirs of the late prince of Wales, &c.* and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, appointed to be taken, and shall also make, repeat, and subscribe, the declaration in the said act directed to be made, repeated, and subscribed, by all officers civil and military.

XVI. And be it enacted, That if any person shall execute any of the powers hereby conferred on deputy lieutenants, colonels, lieutenant colonels, or majors (not being qualified as aforesaid) or shall not deliver in such qualification, and take the oaths, and make, repeat, and subscribe, the declaration aforesaid, as is herein before required, every such person shall forfeit and pay the sum of two hundred pounds: and if any person shall execute any of the powers hereby conferred on captains, lieutenants, or ensigns (not being qualified as aforesaid) and shall not deliver in such qualification, and take the oaths, and make, repeat, and subscribe, the declaration aforesaid, as is herein before required, every such person shall forfeit and pay the sum of one hundred pounds: such several penalties to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, wager of law, or protection, or more than one imparlance shall be allowed; one moiety whereof shall go to the use of the person who shall sue for the same, and the other moiety to the uses herein after directed.

XVII. And be it enacted, That in every action, suit, or information, brought against any person for acting as a deputy lieutenant, colonel, lieutenant colonel, major, captain, lieutenant, or ensign, not being qualified as herein before is directed, the proof of his qualification shall lie upon the person against whom the same is brought.

XVIII. Provided

Peers, and heirs apparent of peers, may be appointed deputy lieutenants or commission officers for the county where they reside; and their qualification not necessary to be left with the clerk of the peace; but on taking the oaths, &c. they may act without being otherwise qualified.

Acceptance of a commission does not vacate a seat in parliament.

Where the militia is not raised, the lord lieutenant is to advertise the want of officers, a month before the quarter sessions at Christmas, and Midsummer, respectively; and persons qualified,

Where the militia has not been raised in pursuance of the act of 30 Geo. II. and other subsequent acts relating thereto, or shall not be raised in pursuance of this act, 5 l. per man, annually, is to be paid by every such county, &c.

**XVIII.** Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to restrain his Majesty's lieutenant of any county, riding, or place, from appointing any peer of this realm, or heir apparent of any such peer, to be a deputy lieutenant, or commission officer in the militia, within the county, riding, or place, wherein such peer, or heir apparent of such peer, shall respectively have some place of residence; or to oblige any peer of this realm, or heir apparent of such peer (so appointed a deputy lieutenant or commission officer respectively) to leave with the clerk of the peace for the county, riding, or place, for which he shall be appointed, any qualification in writing as aforesaid; but it shall be lawful for every peer of this realm, or heir apparent of such peer, so appointed, and taking the oaths, and making, repeating, and subscribing, the declaration aforesaid, to act as a deputy lieutenant or commission officer respectively, although he shall not be seised or possessed of any such estate, in manors, messuages, lands, tenements, or hereditaments, as is required by this act.

**XIX.** Provided also, and be it enacted, That the acceptance of a commission in the militia shall not vacate the seat of any member returned to serve in parliament.

**XX.** And be it further enacted by the authority aforesaid, That in every county where the militia shall not be raised, the lord lieutenant of such county shall, within one month before the general quarter sessions to be held at *Christmas*, and within one month before the general quarter sessions to be held next after *Midsummer*, in every year, cause advertisements to be published in the *London Gazette*, and the news paper of such county, signifying the want of officers; and all persons qualified to serve as officers, and willing so to do, shall at any time return their names and intention to the lord lieutenant, or, in his absence, to any general quarter sessions for the county in which they propose to serve.

and willing to serve, are thereupon to return their names, &c.

**XXI.** And whereas in several counties and places the militia have not been raised in such manner as was authorized by an act made in the thirtieth year of the reign of his late Majesty King *George* the Second, and several subsequent acts, relative to the raising of the militia forces, by reason that a sufficient number of persons, qualified to act as officers in the militia, did not tender themselves to accept commissions in that service; be it therefore enacted by the authority aforesaid, That in all counties and places where the militia have not been raised by virtue and in pursuance of the said former acts, and where it shall not be raised by virtue and in pursuance of this act, the sum of five pounds shall be annually paid for and in lieu of every private militia man herein mentioned to be raised within the same; and that his Majesty's lieutenant of every such county and place respectively, or any three or more deputy lieutenants, at the expiration of every year in which the militia for such county and place shall not have been raised from and after the passing of

of this act, shall, from year to year, certify the same in writing under his or their hands, and also the whole amount of the several sums of five pounds per man to be raised on such county as aforesaid, to the justices of the peace at their general or quarter sessions next held after the full end and accomplishment of the said year for such respective county or place; and the justices of the peace, so assembled at such general or quarter sessions, where such certificate shall be produced, shall forthwith rate and assess on the said county the sum and sums mentioned in such certificate: and such sum and sums shall be rated and assessed in such and the same manner, and according to such and the same proportions, upon every town, parish, and place within the said county, and be collected, received, levied, and paid, and be accounted for by the persons making such collections, in such manner, and by such means, with such powers of distress, and other remedies for enforcing the collection and payment thereof, and for punishing all persons whose duty it shall be to collect or account for the same, and shall make default therein, as the county rates have been usually, or may, by an act made in the twelfth year of the reign of his late Majesty, intituled, *An act for the more easy assessing, collecting, and levying of county rates*, or by any other act or acts of parliament, be assessed, collected, received, levied, paid, and accounted for, within the said county: and such rates or assessments, when received, shall be from time to time paid by the treasurer or treasurers of such counties to the receivers general thereof; and the receipt of such receiver general shall be a full and sufficient discharge to such treasurer or treasurers for the payment of such monies.

XXII. Provided always, That the rates or assessments which shall be made by such justices of the peace at the said general or quarter sessions in pursuance of this act, shall be made, assessed, collected, received, levied, and paid, separately and distinctly from all the other county rates assessed and raised upon and within the said county; any thing in the said act made in the twelfth year of his late Majesty's reign, or any other act or acts of parliament, or any custom or usage, to the contrary notwithstanding.

XXIII. And be it further enacted by the authority aforesaid, That the several and respective parochial officers, or other persons, who shall pay or be liable to pay the rates or assessments, which shall be made and rated for the purpose of this act, upon any parish, town, and place; and also all such parochial officers and persons, upon whom any such rate or assessment shall be levied; shall and may, from time to time, after notice shall be given of the amount of the rate or assessment, upon such town, parish, or place, either before the payment thereof by such parochial officers or persons, or after the same shall have been actually paid by, or levied upon, such officers or persons, rate and levy such monies, by a separate and distinct rate and assessment, upon every such respective town, parish, or place, in such manner and proportion, and with such powers for recovery thereof, as any other county rate may be assessed or levied: and that

and certificates thereof, and of the sums thereupon due, are to be returned at the end of the next year to the Q. sessions; and the justices are forthwith to rate and assess the sums so certified, in like manner as county rates,

by act 12 G. II. may be rated and assessed, &c. And the treasurer of the county is to pay over the same to the receiver general.

The said rate to be made, levied, and paid, distinctly from all other county rates.

After notice given of the amount of the rates, the parochial officers, &c. are to rate and levy the monies by a distinct rate and assessment upon the respective towns, parishes, and places;

and tenants and occupiers paying the same, are to be allowed what they shall pay in their rent.

that every tenant or occupier of any house, land, tythe, tencement, or hereditament, who shall pay any rate or assessment to be made in pursuance of this act by such respective parochial officers or persons, within any such town, parish, or place, or upon whom any such rate or assessment shall be levied, shall and may deduct the same out of his or her rent, and shall be acquitted and discharged for so much money as such rates or assessments shall, from time to time, amount unto, as fully and effectually as if such money had been actually paid to the person or persons to whom such rent is or shall be payable; and such person or persons is and are hereby required to allow, from time to time, such deductions, upon receipt of the residue of the rent.

**Agreement between landlord and tenant not vacated, where the estate leased is not let at rack rent; and landlord to allow only in proportion to the rent he receives.**

XXIV. Provided always, That nothing herein before contained, shall vacate any covenant or agreement contained in any lease between landlord and tenant, where the estate leased is not let at rack rent; and that no landlord of any estate which shall not be let at rack rent, shall be obliged or compellable to allow to any tenant any money which he or she shall pay towards any county rate, which shall be made in pursuance of this act, but in proportion only to the rent such landlord shall receive from his tenant.

**Where the militia for any county, together with any city or town being a county of itself, is not raised, the sum or sh. per man is to be apportioned between them, in such proportion as their respective Quotas to the land tax bear to each other; but if an apportionment or**

XXV. Provided always, and be it enacted, That in all cases where a certain number of private militia men are directed to be raised for any county, together with any city or town being a county of itself, and the militia has not been, or shall not be, raised, for such county, and city or town, the payment of the said sum of five pounds *per* man, upon the whole number of private militia men so directed to be raised as aforesaid, shall be divided and apportioned between such county, and such city or town being a county of itself, in such proportion as the respective Quotas paid to the land tax by the said county, and by the said city and town being a county of itself, bear to each other; unless an apportionment of the said number of private militia men shall actually have been made in pursuance of the list directed to be returned by the said former acts, or by this present act, in which case the said sum of five pounds *per* man shall be borne by such county, and by such city or town being a county of itself, in such proportion as the respective numbers of men so apportioned to be raised by such county, and by such city or town, bear to each other.

**Receiver general to pay over the land county rates, together with the land tax, into the exchequer, distinguishing the monies**

or the men shall have been made, the said sum is to be borne them in such proportion as the numbers of men to be raised by them respectively bear to each other.

XXVI. And be it further enacted by the authority aforesaid, That the receiver general of the land tax for such respective counties or places, to whom such money shall be paid by the treasurer or treasurers of such counties as aforesaid, shall pay the same, together with the monies arising from the land tax in such county, into the receipt of his Majesty's exchequer at *Wesminster*, and distinguish upon every such payment the monies received by virtue of this act; and the monies so paid into the receipt

receipt

ceipt of his Majesty's exchequer shall be kept separate and apart from all other monies, and shall be paid by the lord high treasurer, or by the commissioners for executing the office of lord high treasurer, or any three or more of them, for the time being, to the treasurers of such counties as have raised or shall raise their militia, in proportion to the number of men raised or to be raised by each county respectively, to be by them made part of the county stock; and the lord high treasurer, or the commissioners for executing the office of lord high treasurer for the time being, or any three or more of them, are hereby empowered and required to apportion and issue the said money so received accordingly; and no allowance or deduction shall be made from or out of the said sums of money to paid into the exchequer on any account whatsoever.

No deduction to be made from the monies so paid into the exchequer.

XXVII. Provided nevertheless, That if the militia shall be raised in the manner appointed by virtue of this act, for all or any of the said counties or places, such respective counties and places shall, during the time the militia are so raised, be exonerated, freed, and discharged, from the payment of the said sums, and the assessments to be made in respect thereof shall, during such time, be suspended; any thing herein contained to the contrary notwithstanding.

XXVIII. And be it enacted, That it shall be lawful for the lieutenant of any county, riding, or place, to act as a colonel of any regiment or battalion of militia for such county, riding, or place, for and during such time or times as there shall not be any colonel appointed for the command of the same regiment or battalion, but no lieutenant shall at any one time act as a colonel to more than one regiment or battalion.

XXIX. And be it enacted, That where his Majesty's lieutenant of any county, riding, or place, shall, under the powers given by this act, serve as colonel to any body of militia by this act deemed a battalion only, he shall not, when such battalion shall be embodied and in actual service, be intitled to or receive any other pay than that of a lieutenant colonel; and that no other person whatsoever shall serve or be intitled to pay as a lieutenant colonel in such battalion, during the time that his Majesty's said lieutenant shall serve therein as colonel.

XXX. And be it enacted, That his Majesty's lieutenant together with any three deputy lieutenants of any county, riding, or place, and on the death or removal, or in the absence of his Majesty's lieutenant, any five deputy lieutenants, shall, at the end of every four years, at their annual meeting in case the militia of such county, riding, or place, shall not be then embodied, discharge some one field officer of each regiment or battalion, and such a number of officers of each inferior rank as shall be equal to the number of persons who shall have given notice in writing to his Majesty's lieutenant one month at least before such meeting, that they are willing to serve as field officers, captains, lieutenants, or ensigns, as the case may require.

XXXI. Pro-

number of persons who shall have been returned as willing to serve, are to be discharged.

payable on this act; the same to be kept separately, and paid over by the treasury to the treasurers of such counties as shall have raised their militia, in proportion to their number of men, to be made part of the county stock.

Where the militia of any county &c. shall be raised as this act directs, such county is to be exonerated from payment of the said sums.

I.e. lieutenant may act as colonel to any regiment, &c. for which no colonel is appointed, but may not act to more than one at a time;

And if the command be a battalion, he is to receive pay as lieutenant colonel only; and no other person is to serve, or be intitled to pay as lieutenant colonel, while he serves as colonel.

At the end of every 4 years, one field officer of each regiment, &c. and a number of officers of each inferior rank, equal to the

The number of such vacancies not to exceed one third in each rank.

Officer who has served 4 years, may offer to serve in a higher rank, if qualified.

An adjutant may be appointed by the King to each regiment, &c. out of his Majesty's other forces, or embodied militia; and if appointed out of his Majesty's other forces, he is to keep his rank therein, and may hold a subaltern commission without a qualification.

Militia officer exempted from serving as sheriff.

Officers quitting their half-pay to serve in the militia, upon quitting the militia, or unembodied, are to be restored

Serjeants may be appointed by the King out of his Majesty's other forces, or embodied militia, in the proportion of 1 serjeant to 20 private men, or more to every company.

Oath to be taken by serjeants.

XXXI. Provided, That the number of vacancies to be made shall not exceed one third of such officers, who shall have served for the space of four years in each rank respectively.

XXXII. Provided, That nothing herein contained shall prevent any officer who has served four years, from offering himself to serve in an higher rank, if he be qualified as this act requires to serve in such higher rank.

XXXIII. And be it enacted, That his Majesty, his heirs, and successors, may and shall appoint one proper person who shall have served, or shall, at the time of such appointment, actually serve in some of his Majesty's other forces, or in any corps of militia that has been drawn out and embodied, to be an adjutant to each regiment, battalion, or independent company of militia, in each county, riding, or place respectively; and such adjutant, if appointed out of his Majesty's other forces, shall, during his service in the said militia, preserve his rank in the army, in the same manner as if he had continued in that service: and it shall and may be lawful for his Majesty's lieutenant of any county, riding, or place, to grant unto th adjutant to each regiment, battalion, or independent company, a commission of lieutenant, or any inferior commission therein, although such adjutant shall not have an estate to qualify him for such commission as is required by this act.

XXXIV. And be it enacted, That no person, during the time he is acting as a militia officer, shall be obliged to serve the office of sheriff.

XXXV. And be it enacted, That any person who has quitted, or shall quit, his half-pay, to serve as a commissioned officer in any regiment, battalion, or independent company of militia, shall, upon his quitting the said regiment, battalion, or independent company of militia, or upon the unembodying thereof, be restored to his half-pay; such half-pay to recommence from the last quarter-day, or day of payment next preceding.

XXXVI. And be it enacted, That any person who has quitted, or shall quit, his half-pay, to serve as a commissioned officer in any regiment, battalion, or independent company of militia, shall, upon his quitting the said regiment, battalion, or independent company of militia, or upon the unembodying thereof, be restored to his half-pay; such half-pay to recommence from the last quarter-day, or day of payment next preceding.

XXXVI. And be it enacted, That his Majesty, his heirs, and successors, may and shall appoint, according to the proportion of one serjeant to twenty private men, two or more proper persons to be serjeants to every company in the said militia, out of and from his Majesty's other forces; such persons having served in the said forces for the space of one year next preceding their appointment to be serjeants; or may appoint such other persons to be serjeants, as have formerly served for the space of one year in his Majesty's said forces; or out of or from any corps of militia that has been drawn out and embodied; which serjeants so appointed shall take the following oath; that is to say,

**I** A.B. do sincerely promise and swear, That I will be faithful and bear true allegiance to his Majesty King George, his heirs, and successors: and I do swear that I am a protestant, and that I will faithfully serve as a serjeant in the militia, within the kingdom of Great Britain, for the defence of the same, until I shall be legally discharged.

And the service in the militia of such persons so appointed out of his Majesty's said other forces, shall intitle them to the benefit of *Chelsea Hospital*, in the same manner as if they had continued to serve in the said forces; and every person appointed to be a serjeant out of the pensioners on the establishment of *Chelsea Hospital*, shall be intitled to be, and shall be, put again upon the said establishment, after he shall be discharged from the service of the militia; provided he brings a certificate of his good behaviour, under the hand of the colonel, or commanding officer of the regiment or battalion in which he shall have served: and his Majesty's lieutenant shall, from time to time, as occasion shall require, appoint a clerk to each regiment or battalion; and the colonel of the regiment or battalion, or, where there is no colonel, the lieutenant colonel, or where there is no colonel or lieutenant colonel, the major, shall appoint a serjeant major out of the serjeants, and a drum major out of the drummers.

XXXVII. And be it enacted, That no person who shall keep any house of public entertainment, or who shall sell any ale, wine, brandy, or other spirituous liquors by retail, shall be capable of being appointed or continuing a serjeant in the militia.

XXXVIII. And be it enacted, That the captain of every company of militia may and shall appoint two persons to be drummers or fifers to his company, who, when so appointed, and having received any pay as such, shall be deemed to be engaged, and shall be compellible to serve in the same regiment or battalion, until legally discharged; and may and shall appoint corporals out of the private men of his company, in the proportion of one corporal to twenty private men; and may displace such drummers, fifers, and corporals respectively, for misbehaviour, and appoint others in their room, from time to time, as he shall see occasion; and may and shall appoint, (with the approbation of the colonel, or, where there is no colonel, the lieutenant colonel, or, where there is no colonel or lieutenant colonel, the major of the regiment or battalion) serjeants out of the private men of the regiment or battalion, to fill up such vacancies of serjeants as may happen therein; which serjeants so appointed, shall take the like oath as is herein before required to be taken by serjeants appointed by his Majesty (which oath any one deputy lieutenant, or in case the regiment or battalion then happening to be embodied should be in any other county, riding, or place, any one justice of the peace thereof, are hereby respectively authorized to administer) and that it shall be lawful for the commanding officer of any regiment or battalion of militia, being a field officer, upon the application of the captain, to displace serjeants.

XXXIX. Provided always, and be it enacted, That any person who is or shall be appointed out of or from any company of his Majesty's other forces, to be a serjeant in the militia, and shall be for any misbehaviour reduced into the ranks, and shall not in one month's time after such reduction be restored, he shall be returned to the company from which he was taken in his Ma-

serjeants appointed out of his Majesty's other forces, are intitled to *Chelsea Hospital*; and pensioners of the said hospital, made serjeants, are to be re-admitted, on producing certificates of good behaviour. Id. lieutenant to appoint a regimental clerk, and the colonel, &c. a serjeant major, and drum major, to each regiment.

Alehouse-keepers disqualified from being serjeants.

Captain may appoint 2 drummers or fifers to his company; and 1 corporal to 20 men; and may displace them for misbehaviour: he may also, with leave of the colonel, fill up vacancies of serjeants out of the ranks.

Such serjeants to take the oath appointed.

They may be displaced upon application of the captain.

Serjeants from the army being reduced for misbehaviour, and not restored with-



in a month, are to be returned to the corps from whence they were taken, and serve in the ranks. Serjeants made from the militia may be reduced into

jeffy's other forces, and shall there serve as a private man; and any person who is or shall be appointed a serjeant in the militia, out of or from any company of militia, shall and may be reduced into the ranks for misbehaviour, and shall serve in the ranks of such company wherein he served before such appointment, for such further time as shall compleat his three years service as a private militia man; and in case there be no vacancy in such company, he shall serve in any other company in the regiment or battalion.

The inlisting of a serjeant, drummer, or fifer, into his Majesty's other forces, declared void.

Number of private men to be raised in each county, &c.

XL. And be it enacted, That if any serjeant, drummer, or fifer, shall inlist in any of his Majesty's other forces, such inlisting shall be, and is hereby declared to be, null and void.

XLI. And be it enacted, That the number of private men to be raised by virtue of this act, in that part of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed* (exclusive of the places herein after excepted) shall be,

For the county of *Belford*, four hundred.

For the county of *Berks*, five hundred and sixty.

For the county of *Bucks*, five hundred and sixty.

For the county of *Cambridge*, four hundred and eighty.

For the county of *Chester*, with the city and county of the city of *Chester*, five hundred and sixty.

For the county of *Cornwall*, six hundred and forty.

For the county of *Cumberland*, three hundred and twenty.

For the county of *Derby*, five hundred and sixty.

For the county of *Devon*, with the city and county of the city of *Exeter*, one thousand six hundred.

For the county of *Devon*, with the town and county of the town of *Poole*, six hundred and forty.

For the county of *Durham*, four hundred.

For the county of *Essex*, nine hundred and sixty.

For the county of *Gloucester*, with the city and county of the city of *Gloucester*, and the city and county of the city of *Bristol*, nine hundred and sixty.

For the county of *Hereford*, four hundred and eighty.

For the county of *Hertford*, five hundred and sixty.

For the county of *Huntingdon*, three hundred and twenty.

For the county of *Kent*, with the city and county of the city of *Canterbury*, nine hundred and sixty.

For the county of *Leicester*, eight hundred.

For the county of *Lincoln*, five hundred and sixty.

For the county of *Lincoln*, with the city and county of the city of *Lincoln*, one thousand two hundred.

For the county of *Middlesex*, exclusive of the tower division, commonly called *The Tower Hamlets*, one thousand six hundred.

For the county of *Monmouth*, two hundred and forty.

For the county of *Norfolk*, with the city and county of the city of *Norwich*, nine hundred and sixty.

For the county of *Northampton*, six hundred and forty.

For the county of *Northumberland*, with the town and county of

of the town of *Newcastle upon Tyne*, and the town of *Berwick*, five hundred and sixty.

For the county of *Nottingham*, with the town and county of the town of *Nottingham*, four hundred and eighty.

For the county of *Oxford*, five hundred and sixty.

For the county of *Rutland*, one hundred and twenty.

For the county of *Salop*, six hundred and forty.

For the county of *Shropshire*, eight hundred and forty.

For the county of *Southampton*, with the town and county of the town of *Southampton*, nine hundred and sixty.

For the county of *Stafford*, with the city and county of the city of *Litchfield*, five hundred and sixty.

For the county of *Suffolk*, nine hundred and sixty.

For the county of *Surry*, eight hundred.

For the county of *Sussex*, eight hundred.

For the county of *Warwick*, with the city and county of the city of *Cirencester*, six hundred and forty.

For the county of *Westmorland*, two hundred and forty.

For the county of *Wiltshire*, with the city and county of the city of *Wilchester*, five hundred and sixty.

For the county of *Windsor*, eight hundred.

For the West Riding of the county of *York*, with the city and county of the city of *York*, one thousand two hundred and forty :

For the North Riding of the said county, seven hundred and twenty :

And for the East Riding of the said county, with the town and county of the town of *Kilnsey upon Hull*, four hundred.

For the county of *Angles*, eighty.

For the county of *Gloucester*, one hundred and sixty.

For the county of *Gloucestershire*, one hundred and twenty.

For the county of *Gloucestershire*, with the county borough of *Gloucester*, two hundred.

For the county of *Gloucestershire*, eighty.

For the county of *Denbigh*, two hundred and eighty.

For the county of *Flint*, one hundred and twenty.

For the county of *Glamorgan*, three hundred and sixty.

For the county of *Merioneth*, eighty.

For the county of *Montgomery*, two hundred and forty.

For the county of *Pembrokeshire*, with the town and county of the town of *Haverford West*, one hundred and sixty.

For the county of *Radnor*, one hundred and twenty.

XLII. And be it enacted, That in all counties, ridings, and places, where the militia has not been raised, his Majesty's lieutenant or every such county, riding, and place, together with any two or more deputy lieutenants, and, on the death or removal, or, in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, shall meet at some city or principal town of the county, riding, or place, for which they shall be commissioned, on the second *Thursday* in *May* in every year; and if there should happen to be no such meeting on that day, then

Where the militia has not been raised, a general meeting is to be held by the lord lieutenant and 2 deputies; or, in the lord lieutenant's absence, by 3 deputies, on the second Tuesday in May annually; and on failure

of meeting, then a meeting is to be held by summons and advertisement. At their first general meeting, the subdivisions of the deputy lieuts. and the times and places for their first meetings therein, are to be settled; and also a second general meeting appointed. Orders to be then issued to the constables, to return lists of all persons within their districts, between the ages of 18 and 45 years; distinguishing their respective ranks and occupations, &c. Copy of the list to be affixed on the door of the church, on some Sunday, 3 days before the return is made, with notice of the day and place of meeting; that persons aggrieved may then appeal; after which no appeal will be received. Constables to attend the returns, and verify the same on oath. After the appeals are heard and settled,

his Majesty's said lieutenant, or, on his death or removal, in his absence, any three or more deputy lieutenants, the common, or cause to be summoned, another meeting to be held at the same city or principal town, on a day to be fixed by such summons; of which day and place notice shall be given in the *London Gazette*, and also in any weekly paper usually circulated (if any such there be) within the same county or riding, fourteen days at least before the holding of such meeting; and his Majesty's said lieutenant, or, on his death or removal, or, in his absence, any three or more deputy lieutenants, shall, at their first general meeting, appoint subdivisions of the deputy lieutenants within their respective counties, ridings, and places, and the times and places for their first meetings within the said subdivisions respectively; and the time and place for a second general meeting; and shall issue out their orders to the chief constable, and, where there is no chief constable, to some other officer of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, to require, by orders under their hands, the constable, tythingman, headborough, or other officer of each parish, tything, or place, within their respective hundreds, rapes, laths, wapentakes, or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the place and on the day appointed at the said first general meeting, fair and true lists, in writing, of the names of all the men usually, and, at that time, dwelling within their respective parishes, tythings, and places, between the ages of eighteen and forty five years, distinguishing their respective ranks and occupations; and where the true names of such persons cannot be procured, the common appellation of such persons shall be sufficient; and which of the persons so returned labour under any infirmities, incapacitating them from serving as militia men; having first affixed a true copy of such list on the door of the church or chapel belonging to such parish, tything, or place, and if any place shall have no church or chapel belonging thereto, on the door of the church or chapel of some parish or place thereto adjoining, on some Sunday morning before they shall make such return, which Sunday shall be three days at the least before the said meeting; and also notice in writing, at the bottom of such list, of the day and place of such meeting, and that all persons who shall think themselves aggrieved, may then appeal, and that no appeal will be afterwards received: and on the day and at the place respectively appointed as aforesaid, for the return of such lists, the constables, tythingmen, headboroughs, or other officers respectively, shall attend and verify the said return upon oath; and the said deputy lieutenants, or any three or more of them, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, so assembled in their said meeting, shall (after hearing any person who shall think himself aggrieved by having his name inserted in such lists, or by any others being omitted)

direct such lifts to be amended as the case shall require, and persons excepted by the act struck out of the said lifts, and shall appoint the names of all persons by this act respectively ex- the act struck out, the deputy lieutenants are to direct the lifts to be amended; and appoint the times and places for their 2d subdivision meetings; and return the amended lifts to the ad general meetings; at which, copies of the lifts are to be made out, to be returned to the deputy lieutenants, at their 2d subdivision meetings; and the number of men which shall serve out of the respective hundreds, &c. is to be then appointed.

Deputy lieutenants, at their 2d subdivision meetings, are to appoint the number of men that shall serve in each parish, &c. in proportion to the number appointed for each hundred, &c.

and if a proper number of officers be then appointed, another meeting is to be held within 3 weeks; and

and orders issued for giving timely notice to the persons chosen, then to appear; and the constables are to attend to avouch the notices; and the men to take the oath following.

der to the chief constable, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, to direct the constable, tythingman, headborough, or other officer of each parish, tything, or place, to give notice to every man so chosen to serve in the militia, to appear at such meeting; which notice shall be given or left at his place of abode, at least seven days before such meeting; and such constable, tythingman, headborough, or other officer, shall attend such meeting, and make a return upon oath of the days when such notice was served; and every person so chosen by lot shall, upon such notice, appear at such meeting, and there take the following oath; that is to say,

**I** A. B. do sincerely promise and swear, That I will be faithful and bear true allegiance to his Majesty King George, his heirs, and successors: and I do swear that I am a protestant, and that I will faithfully serve in the militia within the kingdom of Great Britain, for the defence of the same, during the time for which I am inrolled, unless I shall be sooner discharged.

and to be inrolled for 3 years, or provide fit substitutes, who shall take the said oath, and sign their consent to serve for the said term. Those who refuse to attend and be inrolled, or to provide fit substitutes, not being quakers, forfeit 10 l. and at the end of 3 years are liable to serve again, or provide a substitute.

Specification of persons exempted from service in the militia by themselves or substitutes.

(Which oath any one deputy lieutenant is hereby authorized to administer) and shall be inrolled to serve in the militia of such respective county, riding, or place, as a private militia man, for the space of three years, in a roll to be then and there prepared for that purpose; or shall provide a fit person, to be approved by the said deputy lieutenants, or any three or more of them, or by any two deputy lieutenants together with any one justice of the peace, or by any one deputy lieutenant together with any two justices of the peace, then met, to serve as his substitute; which substitute so provided and approved, shall take the said oath, and sign on the said roll his consent to serve as his substitute during the said term: and if any person so chosen by lot to serve in the militia (not being one of the people called *Quakers*) shall refuse or neglect to appear and take the said oath, and serve in the militia, or to provide a substitute to be approved as aforesaid, who shall take the said oath, and sign his consent to serve as his substitute, every such person so refusing or neglecting shall forfeit and pay the sum of ten pounds, and at the expiration of three years be liable to serve again, or provide a substitute.

**XLIII.** And be it enacted, That no peer of this realm, nor any person who shall serve as a commission officer in any regiment, troop, or company, in his Majesty's other forces, or in any one of his Majesty's castles or forts; nor any non-commission officer or private man serving in any of his Majesty's other forces; nor any commission officer serving, or who has served, four years in the militia; nor any person being a member of either of the universities; nor any clergyman; nor any licensed teacher of any separate congregation; nor any constable, or other such peace officer; nor any articulated clerk, apprentice, seaman, or seafaring man; nor any person mustered, trained, and doing duty, in any of his Majesty's docks, for the service thereof;

nor any person being free of the company of watermen of the river Thames; nor any poor man who has three children born in wedlock; shall be compelled to serve personally, or provide a substitute to serve in the militia.

**XLIV.** And be it enacted, That it may and shall be lawful for any three or more deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, within their respective subdivisions, to add together, whensoever they shall think necessary, the lists for two or more parishes, tythings, or places, and proceed upon such lists, added together, in like manner as if they had been originally returned for one parish, tything, or place, so as to make the choice of militia men by lot, within such subdivision, as equal and impartial as possible.

The lists for 2 or more parishes may be united by the deputy lieutenants, and proceeded upon as if originally returned for one parish.

**XLV.** And be it enacted, That if the churchwardens or overseers, or churchwarden or overseer, of any parish, tything, or place, or of two or more parishes, tythings, or places, so added together as aforesaid, shall, with the consent of the inhabitants of the parish or parishes, township or townships, hamlet or place, taken at a vestry, or at any other meeting for such parish, township, hamlet, or place, to be holden for that purpose, provide and produce to the said deputy lieutenants, or any three or more of them, or to any two deputy lieutenants together with any one justice of the peace, or to any one deputy lieutenant together with any two justices of the peace, at their meetings within their respective subdivisions for choosing the militia men by lot, any voluntier or voluntiers, and such voluntier or voluntiers shall be approved by the said deputy lieutenants and justices so met as aforesaid, they, or such of them as shall be approved, shall be then and there sworn in and inrolled; and the said deputy lieutenants and justices, within their respective subdivisions, shall cause only such a number of persons to be chosen by lot out of the list or lists returned for such parish, tything, or place, or parishes, tythings, or places, as aforesaid, as shall be then wanted to make up the whole number to serve for such parish, tything, or place, or parishes, tythings, or places, as aforesaid: and if such churchwarden or overseer, or churchwardens or overseers, shall give to such voluntier or voluntiers any sum or sums of money to serve in the militia for such parish, tything, or place, or parishes, tythings, or places, it may and shall be lawful for such churchwarden or overseer, or churchwardens or overseers, to make a rate upon the inhabitants of such parish, tything, or place, or parishes, tythings, or places, by the rate they now use in making the rates for the relief of the poor; which rate being approved by two justices of the peace, it may and shall be lawful for such churchwarden or overseer, or churchwardens or overseers, to collect such rate, and reimburse themselves such sum and sums of money as they shall have paid with the consent of the inhabitants of such parish or parishes, townships or places, assembled as aforesaid, to such voluntier or voluntiers

Churchwardens, &c. with consent of the vestry, may provide and tender voluntiers;

and such of them as shall be approved, shall be then sworn in, and inrolled; and so many persons only shall be chosen out of the lists, as shall be then wanted to compleat the number to serve for such parish.

Money paid to voluntiers for striving, to be reimbursed the churchwardens by a parochial rate:

Overplus of the rate to be applied to the poors rate.

The said rate may be levied by distress and sale; but balloted persons who have served, or shall be serving, by themselves or by substitutes, are exempted from paying thereto.

Persons aggrieved by such rates may appeal.

The churchwardens are to pay within a month to the persons who shall be chosen by lot and inrolled, or shall provide fit substitutes, (if the regiment be then embodied) such sum not exceeding 5*l.* as shall be adjudged one half of the current price paid for a voluntier; the money to be paid out of the voluntier rate, or a rate made for that purpose.

If the person chosen by lot and inrolled, shall be disapproved of, and discharged within the month, the money shall not be paid to him, but to the next person chosen in his stead; and the same rule is to

be observed in the case of substitutes; and the overplus, if any, shall be applied as part of the poors rate: and if any person shall be chosen by lot to pay the sum of money he shall be so rated, it may be lawful for any one justice of the peace, upon complaint thereof made by such churchwarden or overseer, or churchwardens or overseers, by warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, rendering the overplus, if any, after the said rate, and the charges of such distress and sale, shall be paid; but no balloted person who shall have served himself, or by substitute, three years, or who shall be then serving himself, or by substitute, in the militia, shall be liable to pay to such rates.

XLVI. Provided always, That it shall be lawful for any person who shall think himself or herself aggrieved by any such rate as aforesaid, to appeal to the next general quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.

XLVII. Provided always, and be it enacted by the authority aforesaid, That in case any person shall be chosen by lot to serve in the militia for any parish, tything, or place, or parishes, tythings, or places, and such person shall be sworn and inrolled, or shall provide a fit person to serve as his substitute who shall be sworn and inrolled, the churchwarden or overseer, or churchwardens or overseers, of such parish, tything, or place, or parishes, tythings, or places, shall, within one month after the time of such swearing or inrolling of the man so chosen by lot, or of the substitute respectively, pay to every such person so chosen by lot, if the regiment or battalion in which he, or his substitute, shall serve, shall be then embodied, any such sum of money not exceeding five pounds, as three deputy lieutenants, or two deputy lieutenants and one justice, or one deputy lieutenant and two justices, in whose presence such person shall be chosen by lot, shall adjudge to be, as near as may be, one half of the current price then paid for a voluntier in the county or riding where such person shall be so chosen by lot; which said sum of money shall be taken out of the rate to be made as aforesaid for providing and producing voluntiers; or, in case no voluntiers shall be provided or produced by the churchwardens or overseers, or churchwarden or overseer, of any parish, tything, or place, or parishes, tythings, or places, then out of a rate to be made by the rule aforesaid.

XLVIII. Provided nevertheless, That if such man so chosen by lot, and serving for himself, shall within one month after his inrolment, be disapproved of and discharged by the officer commanding the regiment or battalion, no such sum shall be paid to the person so chosen by lot, but shall be paid, in manner aforesaid, to the next person chosen by lot in his stead; and if the substitute he shall have found be disapproved in manner aforesaid, then no such sum to be paid to the man so chosen by lot, in manner aforesaid, unless he shall serve himself, or shall find another substitute.

XLIX. Pro-

Provided always, That no person so chosen by lot shall be intitled to one half of the said current price, without the order of the persons aforesaid, in the said person chosen by lot, expressed under the name of the person chosen.

and no money is to be paid on that head, but by an order of the dep. lieutenants before whom

And be it enacted, That if any servant hired by the year, or otherwise, shall serve in the militia, it shall and may be lawful for one justice of the peace, upon complaint made to him on oath by such servant, to order so much of his wages, as shall appear to such justice to be due to such servant, to be immediately paid him by his master or employer, in proportion to the service he has performed, under the contract or agreement made between them at the time such servant was hired; and the said justice shall proceed therein in the same manner as is directed by an act passed in the twentieth year of the reign of his late Majesty, intituled, *An act for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices.*

Hired servants serving in the militia, upon application to a justice, shall recover the wages then due to them. Justice to proceed therein as directed by act 20 Geo. II.

LI. Provided always, and it is hereby enacted, That from and after the passing this act, it shall not be lawful for any person or persons whatsoever (other than such churchwardens and overseers as aforesaid, for the purposes aforesaid) to contract, undertake, or agree with any person or persons, for any sum or sums of money, or any other consideration or reward, to indemnify or insure any person or persons liable to serve in the militia, against serving therein, or in like manner to contract, undertake, or agree, to provide a substitute or substitutes for any person or persons who may be chosen by lot to serve in the militia, or to pay the penalty of ten pounds by this act laid upon any person chosen by lot to serve in the militia, and who shall refuse or neglect to appear, and take the oath, and serve in the militia, or to provide a substitute; and if any person shall offend herein, every such person shall, for every such contract, undertaking, or agreement, forfeit and pay the sum of one hundred pounds, to be recovered in any of his Majesty's courts of record, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed; one moiety of which penalty shall be applied to the use of the militia, and the other moiety to the use of the poor of the parish wherein the offence shall be committed; and every such contract, undertaking, or agreement, is hereby declared to be absolutely null and void, to all intents and purposes whatsoever.

None but churchwardens and overseers may make any pecuniary contract to indemnify or insure persons from serving in the militia, or to provide substitutes, or pay the 10l. in lieu thereof; on penalty of forfeiting 100l. One moiety thereof to go to the prosecutor, and the other to the poor of the parish, and the contract to be void.

LII. Provided, That nothing herein before contained, shall extend to prevent any person who shall have been actually chosen by lot to serve in the militia, from procuring, by himself or others, a proper person to serve as his substitute.

The above clause not to prevent persons chosen by lot from procuring substitutes for themselves; nor persons of the same, or from

LIII. Provided also, That nothing in this act shall extend to prevent persons of the same parish, township, tything, or place, or of two or more parishes, tythings, or places, added, or which may be added together, for the purposes of this act,



neighbouring  
parishes, from  
subscribing  
towards pay-  
ing jointly for  
substitutes, in

from entering into subscriptions amongst themselves, for serving jointly for any substitute or substitutes who may be wanted for any one or more of the subscribing persons, on which the lot may fall.

the room of such of them as shall be chosen by lot.

Hired volunteer or substitute inlisting in the army, such inlisting is declared void, unless the money be returned to the overseers of the parish, which is to be laid out by them in providing another fit person; and if the sum be insufficient, they are to be reimbursed the additional expence by a rate, and account for the surplus; and such hired volunteer or substitute so inlisting, not informing the officer of his being in the militia, is to be committed to the house of correction not exceeding 3 months.

Serjeant, drummer, or fifer, beating up for volunteers for the militia, the person who gave the orders forfeits so l.

One moiety to the informer, and the other to the regimental stock; and the serjeant, &c. not declaring who gave such orders, is to be committed to the house of correction not exceeding 3 months.

LIV. And be it enacted, That if any person (woman and child) rolled to serve in the militia as volunteer or substitute, shall have received any sum of money from any person whatsoever for such service, and shall be inlisted to serve in his Majesty's other forces, such inlisting shall be, and the same is hereby declared to be, null and void, until the said militia man, or the officer with whom he shall inlist, shall have paid to the overseer or overseers of the parish or place, parishes or places, for which the said militia man served, the full sum he received for such his service; which sum shall be laid out by such overseer or overseers, in or towards the providing another fit person to serve in the militia, for the space of three years, in the place of the militia man so inlisted into his Majesty's other forces: and in case the money so received shall not be sufficient to provide another fit person to serve as aforesaid, such overseer or overseers shall be reimbursed such further sum of money as he shall pay for providing such other fit person, in the same manner as is directed by this act upon the providing of volunteers: and in case the money so received shall exceed the sum expended in providing such fit person as aforesaid, the surplus shall be accounted for by such overseer or overseers, as so much money in his or their hands for the purposes of providing volunteers for such parish or parishes, place or places: and in case such militia man shall not, at the time of his inlisting, inform the officer with whom he inlists, that he is a militia man, and for what parish, tything, or place, or parishes, tythings, or places, he serves, and shall be thereof convicted upon oath, before any one justice of the peace, it may and shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to commit such militia man to the house of correction for any time not exceeding three months.

LV. And be it enacted, That if any serjeant, drummer, or fifer, serving in the militia, shall, in any city, town, or place, beat up for volunteers to serve in the militia, the person who shall give such serjeant, drummer, or fifer, orders for so doing, shall upon proof of such beating up and such orders given, upon oath, before any justice of the peace, forfeit and pay the sum of twenty pounds; one moiety whereof shall be applied to the use of the person who shall make information thereof before any justice of the peace of such beating up for volunteers, and the other moiety shall be applied as part of the stock belonging to the regiment or battalion to which such serjeant, drummer, or fifer shall belong: and if such serjeant, drummer, or fifer, shall refuse to declare, upon oath, before such justice, from whom he received such orders, it may and shall be lawful for such justice, and he is hereby required, by warrant

under his hand and seal, to commit such serjeant, or sifer, to the house of correction, for any time not exceeding three months.

LVI. And be it further enacted and declared, That no officer or commission officer in the militia shall, during the time he is in the militia, or independent company, in which he serves, shall be out of the county, riding, or place, to which they belong, engage any person to serve as a militia man in such regiment, battalion, or independent company, unless such person so engaged shall be a native of the county to which the said regiment, battalion, or independent company belongs.

While the militia is out of its proper county, no person may be engaged to serve therein, who is not of the county to which such regiment belongs.

LVII. And be it enacted, That in the several counties, ridings, and places, where the militia has been or shall be raised, his Majesty's lieutenant of every such county, riding, and place, together with any two or more deputy lieutenants, and on the death or removal, or in the absence, of his Majesty's lieutenant, any three or more deputy lieutenants, shall meet annually on the last *Tuesday* in *May*, or on the last *Tuesday* in *October*, as they shall think most convenient for the due execution of this act; and shall appoint the times and places for holding four or more subdivision meetings of deputy lieutenants and justices of the peace in every year; and shall cause new lists in the several parishes, tythings, and places, to be made and returned to the deputy lieutenants and justices of the peace at the first of the said subdivision meetings, in the same manner as lists are herein before directed to be made and returned in counties, ridings, and places, where the militia has not been raised. and for the returns of new lists to the first of those meetings.

A general meeting of the Id. lieut. and deputies, to be held annually on the last *Tuesday* in *May*, or *October*, as shall be judged most convenient; and the times and places to be then appointed for holding 4 or more subdivision meetings,

LVIII. And be it enacted, That if the list of any parish, tything, or place, shall be lost or destroyed, it may and shall be lawful for any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, in their subdivisions, to cause a new list in such parish, tything, or place, to be made, and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was caused to be made and returned to them by direction of the general meeting of lieutenants and deputy lieutenants.

Where any list shall be lost or destroyed, the dep. lieutenants are to order new ones to be made and returned to the next subdivision meeting.

LIX. And be it enacted, That the said deputy lieutenants, or any three or more of them, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, shall meet in their several subdivisions at the times appointed at the general meetings of his Majesty's lieutenant and deputy lieutenants: And if any private militia man shall shew just cause for his discharge, and, being embodied, shall likewise produce a regular discharge from his commanding officer, the said deputy lieutenants, or any three or more of them, or any two deputy lieutenants, to and shewing cause for his discharge, and producing, if embodied, a discharge from his commanding officer, —

Dep. lieutenants are to hold their subdivision meetings pursuant to the appointment of the general meetings; and militia men appearing thereat, to and shewing

they are to discharge him, and fill up all vacancies occasioned thereby, or otherwise, after having amended the lists, by proceeding to draw the lots, unless the number wanted shall be otherwise provided; and the persons so chosen or their substitutes are to be inrolled for 3 years.

A subdivision meeting may be held on 7 days notice, for filling up vacancies by death, or otherwise.

Vacancies occasioned by the death, promotion to a halberd, or discharge of a substitute, to be filled up as in cases of death, or discharge of persons serving for themselves. Substitute may be sworn in and inrolled before a deputy lieutenant in his subdivision, on producing a certificate of his having been seen and approved of by 2 deputy lieutenants, &c.

together with any one justice of the peace, or any lieutenant together with any two justices of the peace, may, at such subdivision meetings, discharge such persons serving in the militia; and in the stead of the persons discharged, and also if there should be any other vacancy or otherwise, such deputy lieutenants, or any three of them, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, shall, after having amended the lists in the same manner as the deputy lieutenants and justices, in their subdivisions, are to amend the lists in the several counties where the militia has not been raised, cause a like number of other persons to be chosen by lot out of the lists of such parishes, tythings, or places, where such vacancies shall happen, unless such number of persons shall be otherwise provided as is by this act directed; which persons so chosen, or their substitutes provided and approved as aforesaid, shall take the oath required by this act to be taken: and every person so chosen shall be inrolled, and every substitute so provided shall subscribe his consent to serve, and shall serve in the said militia for the space of three years, subject to the directions, provisions, and penalties in this act contained.

LX. Provided nevertheless, That it shall and may be lawful for any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, upon any vacancy or vacancies in the militia, by death or otherwise, to appoint a subdivision meeting for the filling up such vacancy or vacancies, giving seven days notice thereof.

LXI. And be it enacted, That when any substitute shall, after having been approved by any three deputy lieutenants, or by any two deputy lieutenants together with any one justice of the peace, or by any one deputy lieutenant together with any two justices of the peace, and before the expiration of the term for which he was to serve, die, or be appointed a serjeant in the militia, or be legally discharged, the person for whom he served as substitute shall not be obliged to serve himself, or to find another substitute; but such vacancy shall be filled up in like manner as is directed by this act, in case of vacancies occasioned by the death or discharge of persons serving for themselves.

LXII. And be it enacted, That for the purpose of swearing and inrolling men to serve in the militia, it shall and may be lawful for any one deputy lieutenant, at any place in the subdivision he usually acts in, to swear and enrol any substitute to serve for any place in such his subdivision; provided such substitute shall produce to such deputy lieutenant a certificate under the hands and seals of any two other deputy lieutenants, or of any one justice of the peace together with any one deputy lieutenant, or of any two justices of the peace acting in the same subdivision, or residing near the same, certifying they have seen, and do approve of, such substitute as a proper person to serve in the militia,

Each person shall and may be sworn and inrolled as a militia man, and as a deputy lieutenant only: Provided nevertheless, That every such militia man shall and do attend with the militia man, and as a deputy lieutenant, at every such swearing and inrolling.

Provided always, and be it further enacted, That if any militia man shall, during the time that the regiment or battalion in which he serves shall be embodied, be discharged by the officer commanding such regiment or battalion, such discharge shall be sufficient to prevent such man from being liable to be apprehended as a deserter, but shall not extend to cause another man to be chosen to serve for the parish, tything, or place, or parishes, tythings, or places, for which such man so discharged did serve, unless he be likewise regularly discharged by the deputy lieutenant or deputy lieutenants and justices of the peace as aforesaid.

room, unless he be discharged also by the dep. lieuts.

LXIV. And be it further enacted, That all such militia men whose time of service in the militia shall be near expiring, during the time the regiment, battalion, or independent company, in which they served, shall be absent from the county, riding, or place, to which they belong, shall be returned by the commanding officer of such regiment, battalion, or independent company, to the county, riding, or place, for which they served, so as that they may reach the said county by the expiration of their term.

LXV. And be it further enacted, That it shall and may be lawful for his Majesty's lieutenant together with any two or more deputy lieutenants, and on the death or removal, or, in the absence of his Majesty's lieutenant, for any three or more deputy lieutenants, at a general meeting to be held after reasonable notice thereof given, to change or alter any subdivision meeting or meetings, whenever they shall find it convenient so to do.

LXVI. And be it further enacted, That, in order to save the trouble of appointing subdivision meetings every year in the several counties, ridings, and places aforesaid, the several subdivision meetings therein now appointed, shall remain and continue until the same shall be altered by his Majesty's lieutenant together with any two or more deputy lieutenants, or, on the death or removal, or, in the absence of his Majesty's lieutenant, by any three or more deputy lieutenants, at some general meeting.

LXVII. And be it enacted, That every militia man shall, if he changes the place of his abode from one parish, tything, or place, to another parish, tything, or place, the militia whereof shall serve in the same regiment or battalion, such militia man shall continue to serve in such regiment or battalion for the place from whence he removed, and shall not occasion a vacancy, for such parish, tything, or place, but shall be trained, exercised, and paid, by the officer of the company to which the militia of such parish, tything, or place, to which he removed shall belong; and that every militia man, who shall change

and the clerk of the subdivision meeting attending with the roll at the time.

Militia man embodied, and discharged by the commanding officer, is not liable to be apprehended as a deserter; nor shall another be chosen in his

Militia men, whole time of service shall be near expiring, are to be returned to their proper county, so as they may

Subdivision meetings may be altered at a general meeting, held after reasonable notice; but the subdivision meetings already appointed are to remain until they shall be by a general meeting altered.

Removal of a private man into another parish, &c. the militia whereof serves in the same regiment, does not alter his service, nor occasion a vacancy in his former parish;

but if the removal be into another county, &c. the militia whereof serves in different regiments, he shall serve his time out in the regiment of that place, upon the first vacancy; and he is to give previous notice of his removal to the D. lieutenants, and receive a certificate of his service; and if given by a D. lieutenant is to be certified to the next subdivision meeting; and the certificate itself to be produced at the subdivision meeting for the place to which he shall remove. On neglect of giving such notice, and producing certificate, he forfeits 20s. to be levied by distresses and sale; and for want of distresses, he is to be committed not exceeding 1 month.

Clerk of the subdivision meeting is to give notice of such militia man's change of abode, &c. to the clerk

No substitute is to be excused from serving

Copies of the rolls signed at the subdivision

change the place of his abode from one county to another county, or from one parish, tything, or place, to another parish, tything, or place, the militia whereof shall serve in different regiments or battalions, such person shall serve, upon the first vacancy that shall happen, in such regiment or battalion, until his service shall be completed: and every such militia man, before he changes the place of his abode, give notice thereof to any three or more deputy lieutenants, or to any two deputy lieutenants together with any one justice of the peace, or to any one deputy lieutenant together with any two justices of the peace, at some subdivision meeting, or to one deputy lieutenant, who shall give to such militia man a certificate of the time he shall have served in the militia for the respective parish, tything, or place, from his enrolment to serve in the same; and if such certificate shall have been given by one deputy lieutenant only, such deputy lieutenant shall certify the same to the deputy lieutenants and justices of the peace at their next meeting within such subdivision, and such militia man shall produce the said certificate to the deputy lieutenants and justices at the next meeting for the subdivision wherein he shall then dwell, or to one deputy lieutenant residing near the parish, tything, or place, to which he shall remove, who shall certify the same to the deputy lieutenants and justices of the peace, at their next subdivision meeting: and if any militia man so changing the place of his abode shall not give notice, and produce his certificate as aforesaid, such militia man so neglecting, and thereof convicted on oath before one or more justice or justices of the peace, shall forfeit and pay the sum of twenty shillings; and if such offender shall not immediately pay such penalty, the same shall be levied by distresses and sale of his goods and chattels, by warrant under the hand and seal, or hands and seals, of such justice or justices, rendering the overplus (if any) on demand, after deducting the charges of such distresses and sale, to such offender upon whom such distresses shall have been made, as aforesaid; and for want of sufficient distresses, such justice or justices shall commit such offender to the house of correction for any time not exceeding one month.

LXVIII. And be it enacted, That the clerk to the subdivision meeting shall, upon notice given by any militia man of the changing of his place of abode, and of a certificate granted him as aforesaid, forthwith give notice thereof to the clerk of the meeting for the subdivision to which the parish, tything, or place, where he then resides shall belong.

for the division to which he shall remove.

LXIX. Provided always, That no militia man having served as a substitute, shall, by such service, be excused from serving for himself when he shall be chosen by lot.

LXX. And be it enacted, That the clerks of the subdivision meetings shall, within fourteen days after each subdivi-

transmit to his Majesty's lieutenant of the county, riding, or place, fair and true copies of the rolls signed at the said meetings.

meetings to be transmitted to the Ld. Lieutenant in 14 days after each meeting.

LXXXI. And be it enacted, That if any chief constable or other officer of any hundred, rape, lath, wapentake, or other division, or any constable, tythingman, headborough, or other officer of any parish, tything, or place, shall refuse or neglect to return such lists, from time to time, in manner aforesaid, or to comply with such orders and directions as he shall, from time to time, receive from his Majesty's lieutenant, and the said deputy lieutenants, or any three or more of them, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, in pursuance of this act, or shall, in making such return, be guilty of any fraud or wilful partiality; any three or more deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, are hereby empowered and required to imprison, in the common gaol of the respective county, riding, or place, such chief constable or other officer of any hundred, rape, lath, wapentake, or other division, or such constable, tythingman, headborough, or other officer of any parish, tything, or place, there to be kept, without bail or mainprize, for the space of one month, or, at their discretion, to fine such officer in any sum not exceeding five pounds, nor under forty shillings; such fine to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any three or more deputy lieutenants, or of any two deputy lieutenants together with any one justice of the peace, or of any one deputy lieutenant together with any two justices of the peace; rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to such officer upon whom such distress shall have been made as aforesaid: and it may and shall be lawful for the deputy lieutenants, or any three or more of them, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, within their respective subdivisions, from time to time, to issue out their order or warrant, under their hands and seals, commanding the attendance of the constable, tythingman, headborough, or other officer of any parish, tything, or place, within their several subdivisions, at such times and places as in such order or warrant shall be expressed; and if such constable, tythingman, headborough, or other officer, shall refuse or neglect to appear according to such order or warrant, such constable, tythingman, headborough, or other officer, shall suffer the pains and penalties aforesaid.

Constables or other officers neglecting to return the lists, or comply with their orders, or being guilty of fraud or partiality in their returns, to be imprisoned for one month,

or fined not exceeding s<sup>l</sup>. nor less than 40s. to be levied by distress and sale.

Dep. lieutenants may issue their order, commanding the occasional attendance of the constable, or other parish officer; and on his disobeying such order, may fine or imprison him.

LXXXII. And be it enacted, That any person who shall, by gratuity, gift, or reward, or by promise thereof, or of any indemnification, or by menaces, endeavour to prevail on any chief constable, or any constable, tythingman, headborough, or other officer, of any parish, tything, or place, to make a false re-

Persons tampering with the constables to make false returns, or to evade, &c, the

turn

name of any person out of the lists, forfeit 50*l*. to the prosecutor; and persons refusing to declare their own names, or those of their lodgers, &c. forfeit 10*l*.

turn of any list for any parish, tything, or place, leave out of any such list the name of any such person to be returned, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered of debt, bill, plaint, or information, in any of the courts of record at *Westminster*, wherein no essoin, wager of law, or protection, or more than one imparlance, shall be allowed: all which penalties shall go to the use of the person or persons who shall sue for the same: and if any person shall refuse to tell his christian and surname, or the christian and surname of any man lodging or residing within his or her house, to any constable, tythingman, or other officer, authorized by this act to demand the same, every such person shall forfeit and pay the sum of ten pounds.

Dep. lieutenants being informed of, or suspecting, the fraudulent binding-out of persons returned in the list as apprentices, in order to avoid serving, may summon and examine witnesses upon oath touching the same; and if any fraud shall appear, they are to appoint such person to serve immediately, or upon the first vacancy that shall happen; and the master to whom such person was so bound shall forfeit 10*l*. to be levied by distress and sale:

One moiety thereof to go to the informer, if any. L*i*. lieutenant is to transmit, from

LXXIII. And be it enacted, That if any three or more deputy lieutenants, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, shall, at any of their subdivision meetings, receive information, or shall suspect, that any person inserted in any list, described as an apprentice, has been fraudulently bound apprentice in order to avoid serving in the militia, it may and shall be lawful for any three or more deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, to make inquiry into the binding out such person apprentice, and to summon such persons as they shall think necessary to appear before them, at such time and place as they shall appoint, and to examine such persons, upon oath, touching the matter in question: and in case any such fraud shall appear in the binding out such person apprentice, it may and shall be lawful for such deputy lieutenants, or deputy lieutenants and justice, or deputy lieutenant and justices, to appoint such person, so bound apprentice, to serve immediately in the militia for the parish, tything, or place, for which such list shall have been returned, if there shall be a vacancy; and if there shall be no vacancy at that time, then upon the first vacancy that shall happen therein: and the person to whom such apprentice shall be so bound, shall forfeit and pay the sum of ten pounds; which penalty, in case the same shall not be forthwith paid, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such deputy lieutenants, or deputy lieutenants and justice, or deputy lieutenant and justices, or any three or more of them, returning the overplus, if any, after all charges paid, to the person whose goods and chattels shall be so distrained; one moiety whereof shall be applied to the use of the informer, if any, and the other moiety, or, if there shall be no informer, then the whole of such penalty, shall be applied in manner herein after-mentioned.

LXXIV. And be it enacted, That his Majesty's lieutenant of every county, riding, and place, shall, and he is hereby required to transmit to his Majesty's privy council, from time to time, a true state

Numbers of persons fit to serve in the militia for the riding, or place, of which he is lieutenant; and that after the said numbers shall be transmitted to his Majesty's council, according to the directions aforesaid, it may and shall be lawful for the said council, and they are hereby required to settle, as near as may be, the number of private militia men who shall for the future serve for each county, riding, or place, within the part of *Great Britain* aforesaid, by the proportion which the numbers returned for each county, riding, or place, bear to the whole number of private militia men by this act directed to be raised within the part of *Great Britain* aforesaid, and forthwith to transmit accounts of the numbers so fixed and settled, to all his Majesty's lieutenants of counties, ridings, and places, within the part of *Great Britain* aforesaid, respectively; and where the number of private militia men so fixed and settled as aforesaid, shall be respectively greater than the number of private militia men who shall be by virtue of this act appointed to serve for any county, riding, or place, then, and in such case, his Majesty's lieutenant together with any two or more deputy lieutenants, and on the death or removal, or in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, shall, at a general meeting to be held for that purpose, appoint what number of private militia men shall serve for each respective hundred, rape, lath, wapentake, or other division, within the county, riding, or place, to which they belong; and the additional number of private militia men to make up the whole number so fixed and settled as aforesaid, shall be provided or chosen in the same manner as all other private militia men are by this act directed to be provided or chosen: and all the additional men so provided or chosen, or their substitutes (to be appointed as substitutes are required to be by this act) and volunteers, shall take the oath by this act required to be taken, and shall respectively be inrolled, or sign their consent to serve in the militia, in the same manner as is directed, and shall be subject, in case of refusal, to the same penalties as are in like cases inflicted by this act: and where the number of private militia men so fixed and settled as aforesaid, shall be respectively less than the number of private militia men who shall be, by virtue of this act, appointed to serve for any county, riding, or place, then, and in such case, his Majesty's lieutenant together with any two or more deputy lieutenants, and on the death or removal, or in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, shall, at a general meeting to be held for that purpose, discharge by lot proportionably out of each respective hundred, rape, lath, wapentake, or other division, so many private militia men as shall exceed the number so fixed and settled as aforesaid.

time to time, to the privy council, a state of the numbers of persons in the county fit to serve; and the privy council is thereupon to settle the quota of men to serve, by the proportion the returns for each county bear to the whole number to be raised within the kingdom; and are forthwith to transmit accounts of the numbers so settled to the Ld. lieutenants: and where the number shall be greater than is appointed by the act, a general meeting is to be held by the Ld. lieut. and deputies, and the additional men are to be then provided or chosen in like manner as is directed in other cases; and where the number settled shall be less than is appointed by the act, the supernumeraries shall be discharged by lot.

LXXV. And be it enacted, That in case it shall at any time appear to his Majesty's lieutenant and any two or more deputy lieutenants, or on the death or removal, or in the absence of his Majesty's lieutenant, to any three or more deputy lieutenants, of



to have been unequally or erroneously apportioned amongst the several hundreds or divisions of the county; or that by alteration of circumstances the same is become unequal, &c.

the Ld. lieutenant and deputies may make a new and more equal distribution; and raise and discharge men conformable thereto.

Serjeant and militia man exempted from statute-work and parish offices; and from being obliged to serve in his

Militia man falling sick on a march, or at the place of annual exercise, is to be provided for by an order from the magistrate, or justice of the place; and the expence is to be reimbursed by his proper parish.

No person having served 4 years, is liable to serve

The same liberty is granted to militia men being married and embodied, to

any county, riding, or place, at their general meeting, and the distribution by them made of the whole number of militia discharged upon such county, riding, or place, among the several hundreds, rapes, laths, wapentakes, or other divisions, whether either unequally and erroneously made, or, from any subsequent alteration of circumstances, is become unequal and disproportionate, it may and shall be lawful for his Majesty's said lieutenant and any two or more deputy lieutenants, or on the death or removal, or in the absence, of his Majesty's lieutenant, for any three or more deputy lieutenants, to make a new and more equal distribution of such number as aforesaid among the said several hundreds, rapes, laths, wapentakes, or other divisions, according to the method prescribed by this act for making the original distribution, and to cause such additional number of men to be provided or chosen, or such number to be discharged out of those before provided or chosen for each respective hundred, rape, lath, wapentake, or other division, as shall become necessary in consequence of such new distribution, in like manner as is by this act prescribed to be done, where the same shall become necessary in consequence of the accounts transmitted from his Majesty's privy council.

LXXVI. And be it enacted, That no serjeant or private man serving in the militia shall, during the time of such service, be liable to do personally any highway duty, commonly called *Statute-work*, or be appointed to serve as a peace officer or parish officer, or be liable to serve in any of his Majesty's land or sea forces, unless he shall consent thereto.

LXXVII. And be it enacted, That in case any private man serving in the militia, shall on the march, or at the place where he shall be called out to annual exercise, be disabled by sickness, it shall and may be lawful for any one justice of the peace of the county, or any mayor or chief magistrate of any city, town, or place, where such man shall then be, to order him such relief as he shall think reasonable, by warrant under his hand and seal; and the officers of the parish, tything, or place, for which such man shall serve as a militia man, shall reimburse the same to the officers of the parish where such militia man shall then receive such relief, which shall be allowed in their accounts, upon producing the above order.

LXXVIII. And be it enacted, That no person having served personally or by substitute three years in the militia, shall be obliged to serve again, until by rotation it comes to his turn.

LXXIX. And be it enacted, That every man having served in the militia when drawn out and embodied, being a married man, may set up and exercise any such trade as he is apt and able for, in any town or place within the kingdoms of *Great Britain* and *Ireland*, without any let, suit, or molestation, of any person or persons

as whatsoever, for or by reason of the using such trade, as set up trades within Great Britain or Ireland, as by act 22 Geo. II. is granted to mariners or soldiers.

of that part of Great Britain called England, as any mariner or soldier may do by an act passed in the twenty second year of his late Majesty's reign, intituled, *An act to enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.*

LXXX. And be it enacted, That no private militia man shall be intituled to his clothes for his own use, until he shall have served for the space of three years, if the regiment or battalion in which he serves shall be unembodied; but if such regiment or battalion in which he serves shall be drawn out and embodied, the clothes shall, at the end of one year, be applied in such manner as the colonel or commanding officer of his regiment or battalion shall judge best for the use of such militia man.

LXXXI. And be it enacted, That if any militia man who shall have been accepted and inrolled as a substitute, hired man, or voluntier, before the twenty second day of May one thousand seven hundred and sixty, or if any militia man who shall have been chosen by lot, whether before or after the twenty second day of May, one thousand seven hundred and sixty, shall, when embodied, and called out into actual service, and ordered to march, leave a family unable to support themselves, the overseer or overseers of the poor of the parish, tything, or township, where the family of such militia man shall dwell, shall, by order of some justice of the peace, out of the rates for the relief of the poor of such parish, tything, or township, pay to such family a weekly allowance, according to the usual and ordinary price of labour in husbandry within the said county, riding, division, district, or place, where such family shall dwell, by the following rule; that is to say, for one child under the age of ten years, any sum not exceeding the price of one day's labour; for two children under the age aforesaid, any sum not exceeding the price of two days labour; for three or four children under the age aforesaid, any sum not exceeding the price of three days labour; for five or more children under the age aforesaid, any sum not exceeding the price of four days labour; and for the wife of such militia man, any sum not exceeding the price of one day's labour; and in every parish, tything, or township, where the money arising by such rates shall not be sufficient for the purpose aforesaid, a new rate or rates shall be made for raising a sum sufficient for that purpose: and every such weekly allowance shall be forthwith reimbursed to the overseer or overseers of such parish, tything, or township, by the treasurer of the county, riding, or place, where such parish, tything, or township shall be situate, out of the public stock of such county, riding, or place.

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LXXII. And

bour; 5 or more ditto, 4 days' labour: for the wife 1 day's labour: and where the said rates shall be insufficient, a new rate is to be made; and the overseers are to be reimbursed forthwith out of the county stock,

Militia man, if unembodied, is not intituled to his clothes, till he has served 3 years; but if embodied, they are to be applied to his use at the end of 1 year.

Overseers are to pay out of the poor rates, by order of some justice, a weekly allowance to the distressed families of such men embodied and called out, as shall have been chosen by lot, and of such substitutes, hired men, and voluntiers, as were inrolled before 22 May, 1760, according to the usual price of labour in husbandry within the county, and the number and age of the children: viz. for 1 child under 10 years, 1 day's labour; 2 ditto, 2 days' labour; 3 or 4 ditto, 3 day's labour; 5 or more ditto, 4 days' labour: for the wife 1 day's labour: and where the said rates shall be insufficient, a new rate is to be made; and the overseers are to be reimbursed forthwith out of the county stock,

Treasurer of the county is to keep an account of the monies so reimbursed to the overseers, and return half-yearly the said accounts with those received from the city treasurer, &c. into the exchequer. Where any city or place shall not be liable by act 12 Geo. II. to contribute to county rates, the justices may appoint a treasurer, and assess each parish, proportionate to their usual poor rate, in a sum sufficient to reimburse the overseers the weekly allowances paid by them; and such treasurer is to reimburse the said overseers, and keep an account of the monies paid by him, and transmit the same half-yearly to the county treasurer. Treasurer of the city, &c. of Lincoln is to transmit his accounts to the treasurer of the city and county of the city of Exeter, the militia, shall be paid by the corporation of the governor, deputy governor, assistants, and guardians,

**LXXXII.** And be it enacted, That the treasurer of every county, riding, division, and place, shall and is hereby required to keep exact and distinct accounts of all the monies that shall have been so by him reimbursed, to such overseer or overseers as aforesaid, in pursuance of the directions of this act; and shall at the end of seven calendar months from the passing of this act, and afterwards at the end of every six calendar months, return the said accounts, together with the accounts which he shall have received from the several treasurers of the cities, towns, liberties, or places, to the office of the treasurer's remembrancer of the court of exchequer.

**LXXXIII.** Provided always, and be it enacted, That in all cities, towns, liberties, divisions, and places, which are not liable to contribute to county rates by virtue of an act made in the twelfth year of his late Majesty's reign, intituled, *An act for the more easy assessing, collecting, and levying of county rates*, the justices of the peace for every such city, town, liberty, division, and place, at any sessions or meeting, or the major part of them then and there assembled, may and shall appoint a treasurer, and shall assess upon every parish, tything, township, hamlet, or vill, within the limits of their respective jurisdictions, in such proportions as the rates heretofore made for the relief of the poor have been usually assessed; and shall cause to be paid out of the money collected and levied for the relief of the poor of every such parish, tything, township, hamlet, or vill, into the hands of such treasurer, such sum or sums of money as they in their discretion shall think sufficient for reimbursing to the overseer or overseers of the several parishes, tythings, townships, hamlets, or vills, within the limits of their respective jurisdictions, the amount of the weekly allowances paid by such overseer or overseers to the families of the militia men residing within their respective jurisdictions as aforesaid; and every such treasurer shall forthwith reimburse the same to every such overseer or overseers accordingly: and such treasurer is hereby required to keep exact and distinct accounts of all the monies that shall have been so paid into his hands, and so by him reimbursed to such overseer or overseers as aforesaid; and shall, at the end of every six calendar months, transmit the said accounts to the treasurer of the county or riding which such city, town, liberty, division, and place, is, by this act, united with and made part of for the purposes of this act: provided that the treasurer of the city of Lincoln and county of the said city, shall transmit his accounts to the treasurer of the division of *Linsay*, within the county of *Lincoln*.

**LXXXIV.** Provided always, and be it enacted, That within the city and county of the city of *Exeter*, all allowances to be made by virtue of this act to the families of persons serving in the militia, shall be paid by the treasurer or treasurers of the corporation of the governor, deputy governor, assistants, and guardians,

guardians, of the poor of the city and county of *Essex*; and that the same shall be ascertained, assessed, raised, collected, and levied, by such and the same ways and means as the money raised for the relief of the poor within the said city and county is, by virtue of two acts of parliament, the one of them made in the ninth and tenth years of King *William* the Third, and the other of them in the thirty first year of his late Majesty King *George* the Second, directed to be raised: and it shall and may be lawful for the several persons authorized to put the said acts in execution, to cause to be raised and levied such sum or sums as shall be necessary for that purpose, over and above what they are already authorized to raise for the relief of the poor of the said city and county; and all and every person and persons who are by the said acts, or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, confirming, or altering of assessments, collecting and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things, for the ascertaining, assessing, confirming, or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed upon offences of the like nature by the above mentioned acts, or either of them; and also in the same manner, and by the same ways and means, to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor for the maintenance of such wives and families, and shall cause the same to be repaid to the treasurer of the said corporation.

LXXXV, Provided also, and be it enacted, That all monies to be levied by parish rates to be made within the city and county of the city of *Bristol*, by virtue of this act, shall be paid, ascertained, assessed, raised, collected, levied, and repaid, in such manner, and by such and the same ways and means, as are prescribed to be observed in raising money for the relief of the poor within the said city and county of the city of *Bristol*, by virtue of any act or acts of parliament relating thereto; and that it shall and may be lawful for the several persons authorized to put the said acts in execution, to cause to be raised and levied such sum or sums, over and above what they are already authorized to raise for the relief of the poor of the said city and county, and also in the same manner, and by the same ways and means, to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the poor, and shall cause the same to be repaid to the treasurer of the said corporation; and that all and every person and persons, who are by the said acts, any or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, confirming or altering of assessments, collecting and levying the sums thereby directed to be raised for

by the treasurer of the guardians of the poor, and to be assessed and levied as their poor rate is by acts 9 Will. III. and 31 Geo. II. directed; and to be additional to what they are authorized to raise for their poor rate;

and to be raised and levied under like penalties; and the money already advanced and paid by the said treasurer towards the said allowances is to be raised and levied in like manner.

Monies to be levied by this act, by parish rates in *Bristol*, are to be raised and paid, &c. as the poor rate there; and to be additional to what is already authorized to be raised there; and the money already advanced by the treasurer of the corporation of the poor is to be assessed and repaid him; and all acts

requisite thereto, are to be done, under like penalties, as are prescribed with respect to officers neglecting their duty in execution of the poor laws there

the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things, for the ascertaining, assessing, confirming, or altering assessments, collecting and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed upon officers of the like nature by the above mentioned acts, any or either of them.

Where treasurers shall reimburse to overseers any money, on account of the weekly allowance to the families of militia men serving in any county, other than that wherein such families dwell, they are to transmit an account thereof, signed by a justice, to the treasurer of the county wherein such men serve, who is to reimburse them the same.

If a quaker be chosen, and refuse to serve, or provide a substitute, the deputy lieutenants may provide one, and levy the expence by distress and sale;

LXXXVI. Provided always, and be it enacted, That the treasurer of any county, riding, city, town, liberty, division, or place, within the part of *Great Britain* aforesaid, who shall, after the passing of this act, reimburse to any overseer or overseers of the poor of any parish, tything, township, hamlet, or vill, any sum or sums of money, in pursuance of the directions of this act, on account of the weekly allowance to the family of any militia man, serving in the militia of any county, riding, city, town, liberty, division, or place, other than the county, riding, city, town, liberty, division, or place, where such family shall dwell, shall deliver or transmit an account of such money as he shall have so reimbursed as aforesaid, signed by one or more justice or justices of the peace for the county, riding, city, town, liberty, division, or place, where such family shall dwell, to the treasurer of the county, riding, city, town, liberty, division, or place, in the militia whereof such militia man shall serve; and thereupon the treasurer, to whom such account shall have been delivered or transmitted as aforesaid, shall, and is hereby required to pay to the treasurer who shall have so delivered or transmitted such account, the sum or sums so by him reimbursed to such overseer or overseers, and shall be allowed the same in his accounts.

LXXXVII. And be it enacted, That if any person, being one of the people called *Quakers* shall be chosen by lot to serve in the militia, and shall refuse or neglect to appear, and to take the oath, and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and subscribe his consent to serve as the substitute of such quaker; then, and in every such case, any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, shall, if they think proper, upon as reasonable terms as may be, provide and hire a fit person, who shall take the said oath, and subscribe his consent to serve in the said militia for the space of three years, as the substitute of such quaker; and any three deputy lieutenants, or any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of the peace, are hereby impowered and required to levy by distress and sale of the goods and chattels of such quaker, by warrant under their hands and seals, such sum or sums as shall be necessary to defray the expence

perce of providing and hiring such person to serve in the militia, for the space of three years, as the substitute of such quaker, so refusing or neglecting, as aforesaid; rendering the overplus, if any, after deducting the charges of such distress and sale, to such quaker, upon whom such distress shall have been made as aforesaid: and in case any measures shall be used in making distress as aforesaid, which may be by any such quaker thought oppressive, it shall be lawful for such quaker to complain thereof to the deputy lieutenants and justices of the peace, at their next meeting, who are hereby empowered and required to hear and finally determine the same.

but if any oppressive measures be used in making such distress, he is to be redressed, upon complaint made by him:

**LXXXVIII.** Provided always, and be it further enacted by the authority aforesaid, That in every parish, tything, or place, or two or more parishes, tythings, or places, so added together as aforesaid, in which any such rates shall be made, where the churchwardens or overseers shall make complaint to a justice of the peace, that a quaker or quakers refuse to pay the sum or sums of money he or they shall be rated at, such justice may and shall order such cost and charges, for levying such distress, as he shall think reasonable, not exceeding the sum of ten shillings on each of the said quakers where there are no more than two of them, and, where there are a greater number, not exceeding five shillings on each of the said quakers,

And where any quakers shall refuse to pay to the rates authorized by this act to be made, the justices, upon complaint of the churchwardens, may order reasonable cost and charges for

levying the distress, in proportion to the sums here allowed.

**LXXXIX.** And be it enacted and declared, That it may and shall be lawful for any deputy lieutenant or justice of the peace to act in the execution of this act, in any and every subdivision within the county, riding, or place, for which he is or shall be commissioned; and that each and every such deputy lieutenant and justice of the peace hath and shall have the same power and authority therein, as is by this act given to any deputy lieutenant or justice of the peace, within the subdivision to which he is or shall be particularly appointed.

Dep. lieutenants and justices may act in any and every subdivision of the county for which they are commission'd.

**XC.** And be it enacted, That his Majesty's lieutenant for any county, riding, or place, may and shall appoint a clerk for the general meetings within such county, riding, or place, and may displace such clerk if he shall think fit, and appoint another in his room; and the deputy lieutenants within their respective subdivisions, or the major part of them present, may and shall appoint a clerk for their subdivision, and may displace such clerk, if they or the major part of them present shall think fit, and appoint another in his room.

A clerk for the general meetings is to be appointed by the Ld. lieut. and clerks for the subdivision meetings by the D. lieuts.

**XCI.** And be it enacted, That any two deputy lieutenants together with any one justice of the peace, or any one deputy lieutenant together with any two justices of peace, within the counties of *Cumberland, Huntingdon, Monmouth, Westmorland, and Rutland*, and within all the several counties and places within the said dominion of *Wales*, respectively, shall have and exercise all and every the powers conferred by this act on any three deputy lieutenants of any county, riding, or place, within that

2 D. lieuts. 1 justice, or 1 deputy and 2 justices, may exercise the same powers in the counties of *Cumberland,*

Huntingdon,  
Monmouth,  
Westmorland,  
Rutland, and

part of Great Britain called England; any thing herein contained to the contrary notwithstanding.

Wales, as are conferred on 3 deputy lieutenants of any other county.

Where a sufficient number to act shall not appear at any subdivision meeting, the clerk is to give 5 days notice of another meeting to be held within 14 days

XCII. And be it enacted, That if it shall happen that there shall not appear at any subdivision meeting, a sufficient number of deputy lieutenants and justices of the peace to act, the clerk of such meeting shall, by notice given in writing to all the deputy lieutenants within such subdivision, or left at their respective places of abode, appoint another meeting to be held within fourteen days at the same place where such meeting had been before appointed to be held, giving at least five days notice thereof.

after the former meeting.

Fines for not serving are to be applied in providing substitutes;

XCIII. And be it enacted, That all sums of money arising by forfeitures paid by, or levied upon, persons refusing to serve in the militia personally or by substitute, shall be applied, in the first place, by any three deputy lieutenants, or by any two deputy lieutenants together with any one justice of the peace, or by any one deputy lieutenant together with any two justices of the peace, within their respective subdivisions, in providing a substitute for the person who shall have paid such penalty; and if any part of such penalty shall remain after such substitute shall be provided, the same shall be paid to the colonel or commanding officer of the regiment or battalion, and be applied as part of the regimental stock.

and the surplus, if any, to be applied as part of the regimental stock.

Persons liable to serve, having more than one place of residence, shall be deemed to reside in, and shall serve only in the county where first returned in the list; and certificates, if

XCIV. And be it enacted, That every person liable to serve in the militia, having more than one place of residence, shall be deemed to reside only and shall serve as a militia man, within the county, riding, or place, where his name shall have been first inserted in a list, and returned as herein directed, subjecting him to such service; and the clerk to the subdivision meeting to which such list shall be returned, shall, if any such person require the same, grant a certificate *gratis*, under his hand, that such person's name was inserted in such list, specifying the times when such list was made and returned. If required, shall be granted *gratis* of such returns.

A general meeting is to be held of the lord-lieutenant and deputies, &c. within a month after the return of the rolls from the deputy lieutenants to form the men, (if not already) into regiments of 12 but not less

XCV. And be it enacted, That within one month after the said rolls are so returned from the deputy lieutenants and justices of the peace as aforesaid, his Majesty's lieutenant together with any two or more deputy lieutenants, and on the death or removal, or in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, shall meet together, and form and order the militia for their respective counties, ridings, or places (where the same has not already been formed and ordered) into regiments, consisting, where the number of militia men will admit the same, of twelve, but in no case of less than eight, companies of eighty men at the most, and sixty men at the least, of persons living as near to each other as conveniently can be; and shall post to each company proper officers com-

missioned

millioned and qualified aforesaid; (that is to say) the field officers of a regiment shall be, one colonel, one lieutenant colonel, and one major; and where the number of private men shall amount to five companies, or to any number under eight companies, such militia shall be formed into a battalion, with one lieutenant colonel, and one major, and no other field officer; and where the number of private men shall amount to three companies, or to any number under five companies, such militia shall also be formed into a battalion, with one lieutenant colonel or major, and no other field officer: and in each regiment or battalion of militia, a number of captains, lieutenants, and ensigns, equal to the number of companies in such regiment or battalion, grenadier companies excepted, wherein there shall be one captain and two lieutenants.

more companies, but less than 8, they are to be formed into battalions, with 1 lieut. colonel, and 1 major; and to a battalion of 3 companies, or less than 5, 1 lieut. colonel or major; and 1 capt. lieut. and ensign to each company, grenadier companies excepted, wherein are to be 1 captain and 2 lieutenants.

XCVI. And be it enacted, That where the militia of any county, riding, or place, has been already formed and ordered, his Majesty's lieutenant together with any two deputy lieutenants of such county, riding, or place, shall, if the said militia shall be then disembodied, within two months after the passing this act, reform the same, according to the rules by this act prescribed for the first forming and ordering the militia; and if the same shall be embodied, then within two months after it shall be disembodied and returned to the respective counties.

XCVII. And be it enacted, That in every county, riding, and place, and in every city and town being a county, within the part of *Great Britain* afore said, where the number of private militia men shall not be sufficient to form a regiment or battalion, according to the intent and meaning of this act, the following establishment shall take place therein; (that is to say) the militia of such counties, ridings, places, cities, and towns, shall be formed into independent companies, each company to consist of eighty private men at the most, and sixty private men at the least, with one captain, one lieutenant, and one ensign, to each company; and it shall be lawful for his Majesty, his heirs, and successors, to join together any number of such independent companies, and therewith to form a battalion or battalions, or to incorporate them with any regiment or battalion, regiments or battalions of militia, but so as the number of companies in any such regiment or battalion do not exceed, or fall short of, the number of companies of which a regiment or battalion of militia is herein before respectively allowed to consist.

Where the number of men shall not be sufficient to compose a regiment or battalion; they are to be formed into independent companies from 60 to 80 men each, with 1 capt. 1 lieutenant. and 1 ensign; and they may be joined, and formed into battalions, or be incorporated with some exceed, or fall

XCVIII. And be it enacted by the authority aforesaid, That when any regiment or battalion of militia shall be unembodied, When a regiment or battalion shall be



unembodied,  
the com-  
manding  
officer  
may appoint a

the colonel, or, where there is no colonel, the commanding officer, shall and may appoint a regimental clerk to such regiment or battalion.

regimental clerk thereto.

The militia is to be trained and exercised, by regiment or battalion, twice a year, 14 days each time, or once a year, for 28 days together, at the most convenient times and places; during which time all the provisions in the act for punishing mutiny officers and

XCIX. And be it enacted, That the militia shall be trained and exercised in the manner following; (that is to say) by regiment or battalion twice in a year fourteen days at each time, or once in a year for twenty eight days together, as shall be directed by his Majesty's lieutenant and any two or more deputy lieutenants, and on the death or removal, or in the absence, of his Majesty's lieutenant, by any three or more deputy lieutenants, at such time and place, or times and places, as shall be least inconvenient to the public, to be by them appointed at a general meeting; and that, during such time as the militia shall be so trained and exercised, all the provisions contained in any act of parliament which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, shall extend to, and take place in respect of, the officers and private militia men of every regiment or battalion, but not to extend to life or limb.

and desertion, not extending to life or limb, are to take place for the men;

who are to be quarter'd and billeted by the civil magistrate, in inns, livery stables, and publick houses, application for that purpose being made by the commanding officer:

C. And be it enacted, That it shall and may be lawful for the mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates and officers, of cities, towns, parishes, tythings, villages, and other places, within that part of *Great Britain* called *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, and in their default or absence, for any one justice of the peace inhabiting within or near any such city, town, parish, tything, village, or place, and for no others, and they are hereby required, to quarter and billet the officers and private men serving in the militia, at the times when they shall be called out to annual exercise, in inns, livery stables, ale-houses, victualling-houses, and all houses of persons selling brandy, strong waters, cyder, wine, or metheglin, by retail, upon application to them made by the lord lieutenant, or by the colonel or commanding officer of the militia of the county, riding, or place.

Serjeants, drummers, and fifers, are to be quarter'd and billeted in like manner;

CI. And be it enacted, That it shall and may be lawful for the mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates and officers of cities, towns, parishes, tythings, villages, and other places, within that part of *Great Britain* called *England*, the dominion of *Wales*, and the town of *Berwick upon Tweed*, and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, parish, tything, village, or place, and for no others, and they are hereby required to quarter and billet serjeants, drummers, and fifers, serving in the militia, in inns, livery stables, ale-houses, victualling-houses, and all houses of persons selling wine, brandy, strong waters, cyder, or metheglin, by retail, the occupiers whereof are hereby required to provide for such ser-

but are to be provided with convenient lodgings only, at such times as no provision has by law been made for that purpose.

jeants,

jeants, drummers, and fifers, at such times for which no provision has by law been made for that purpose, convenient lodgings only.

CII. And be it enacted, That the colonel or commanding officer of every regiment or battalion of unembodied militia shall, and he is hereby required, as often as the regiment or battalion shall be called out to exercise, to return to his Majesty's lieutenant of the county, riding, or place, for which such regiment or battalion shall serve, a true state of such regiment or battalion.

A return is to be made to the lord lieutenant of the state of the regiment, &c. while unembodied, when called out to exercise.

CIII. And be it enacted, That notice of the time and place, or times and places, of exercise to which the militia men of each parish, tything, or place, are to resort, shall be sent by the clerk of the general meeting to the chief constables or other officers of the several hundreds, rapes, laths, wapentakes, or other division, with directions to forward the same to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, or places, within their respective hundreds, rapes, lathes, wapentakes, or other divisions; which constables, tythingmen, headboroughs, or other parish officers, shall cause such notice to be fixed on the doors of the churches or chapels belonging to their respective parishes, tythings, or places, or if any place, being extraparochial, shall have no church or chapel belonging thereto, on the door of the church or chapel of some parish, tything, or place, thereunto adjoining; and all such militia men shall duly attend at the times and places of exercise so to be appointed: and if any militia man (not labouring under any infirmity incapacitating him) shall not appear at such time and place, or times and places, so appointed in such notice as aforesaid, every such militia man being convicted thereof, upon oath, before one justice of the peace, shall forfeit and pay the sum of twenty pounds; and if such militia man shall not immediately pay such penalty, the justice of the peace, before whom such militia man shall be so convicted, shall, by warrant, commit such militia man to the common gaol of the county, riding, or place, where he shall have been so convicted, there to remain without bail or mainprize for the space of six months, or until he shall have paid the penalty aforesaid.

Notice of the times and places of exercise to be sent to the chief constables, to be forwarded by them to the parish, &c. and to be affixed on the church doors of the respective parishes; and if any militia man (not being disabled) neglect to appear according to such notice, he forfeits sol. and on non-payment, is to be committed for 6 months,

or until he shall have paid the penalty.

CIV. And be it enacted, That the captain of each company of militia shall keep in his own custody, or leave and deposit with the several serjeants belonging to his company, or with such person or persons as the said captain shall appoint for that purpose, the arms, clothes, and accoutrements, provided for his company of militia; and the churchwardens of every parish or place where the said arms, clothes, and accoutrements, are so deposited, or one of them, is and are hereby required to provide, at the expence of such parish or place, a chest, in which such captain, serjeant, or other person so appointed as aforesaid, shall keep the said arms in some dry part of his house or dwelling, under lock and key, and another chest in which he shall keep, under lock and key, the said clothes and accoutrements;

The captain is to have the charge of the arms, clothes, and accoutrements of his company; and the churchwardens are to provide chests for the safe keeping thereof;

and

and care is to be taken that the men return them in good order after exercise.

and the serjeant, or such other person as shall be appointed to train and discipline the men, is hereby required to take care that, after exercise, every militia man cleans and returns his arms, clothes, and accoutrements, to his captain, or to such person or persons as shall be appointed as aforesaid to receive the same.

The lord lieutenant or deputies in his absence, may seize and remove the arms, &c. when necessary to the publick peace;

and lodge them with other persons.

Persons intrusted with the custody of the arms, &c. delivering out the same, unless for exercise, or by proper command, may be committed for 6 months.

No pay, arms, or clothing, are to be issued, nor adjutant or serjeants appointed, till 3 fifths of the men and officers have been inrolled, and taken out their commissions.

Muskets for the militia are to be marked with an (M) and the name of the county, &c.

Militia man who shall sell, pawn, or lose, his arms, clothes, or accoutrements, forfeits 3 l.

CV. And be it enacted, That his Majesty's lieutenant of any county, riding, or place, or, in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, is and are hereby authorized, by warrant under his hand and seal, or their hands and seals, to employ such person or persons as he or they shall think fit, to seize and remove the arms, clothes, and accoutrements, belonging to the militia, whenever his Majesty's said lieutenant or deputy lieutenants shall adjudge it necessary to the peace of the kingdom, and to deliver the said arms, clothes, and accoutrements, into the custody of such person or persons as his Majesty's said lieutenant or deputy lieutenants shall appoint to receive the same, for the purposes of this act.

CVI. And be it enacted, That if any serjeant, or any other person intrusted by the captain with the custody of any arms, clothes, or accoutrements belonging to the militia, shall deliver out any such arms, clothes, or accoutrements, unless for exercising the men, or by the command of his superior officer, it may and shall be lawful for any two or more justices of the peace to commit such offender to the common gaol of the county, riding, or place, where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding six months.

CVII. And be it further enacted by the authority aforesaid, That no pay, arms, accoutrements, or clothing, shall be issued, and that no adjutant or serjeant shall be appointed, for the militia of any county, riding, or place, until it shall appear by a return signed by his Majesty's lieutenant, or on the death or removal, or in the absence, of his Majesty's lieutenant, by any three deputy lieutenants, that three fifths of the militia men of the said county, riding, or place, have been inrolled, and that three fifths of the officers have taken out their commissions.

CVIII. And be it enacted, That all muskets delivered for the service of the militia shall be marked distinctly in some visible place with the letter M, and the name of the county, riding, or place to which they belong.

CIX. And be it enacted, That if any militia man shall sell, pawn, or lose, any of his arms, clothes, or accoutrements, and shall be thereof convicted upon oath before any one justice of the peace, such militia man shall forfeit and pay a sum not exceeding three pounds; and if such militia man shall not immediately pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant,

rant, commit such militia man to the house of correction for the space of one month, and until satisfaction be made for the same; and if he shall not be of ability to make such satisfaction, then for the space of three months: and if any militia man shall refuse or neglect to return his arms, clothes, and accoutrements, in good order to his captain, or to such person as shall be appointed as aforesaid to receive the same, whenever demanded, such militia man, being thereof convicted as aforesaid, shall, for every such offence, forfeit and pay the sum of ten shillings; and if such militia man shall not immediately pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction for any time not exceeding fourteen days.

and on non-payment, is to be committed to the house of correction for 1 month, and until satisfaction be made; and if not of ability to pay, he is to be committed for 3 months; and if he neglect to return them in good order when

demanded, he forfeits 10 s. and on non-payment, is to be committed for any time not exceeding 14 days.

CX. And be it enacted, That if any person shall knowingly and willingly buy, take in exchange, conceal, or otherwise receive, contrary to the true intent and meaning of this act, any arms, clothes, or accoutrements belonging to the militia, upon any account or pretence whatsoever, the person so offending, being convicted thereof, upon oath, before one or more justice or justices of the peace, shall forfeit and pay, for every such offence, the sum of five pounds: and if such offender shall not immediately pay such penalty, the justice or justices of the peace before whom such offender shall be so convicted as aforesaid, shall, by warrant under the hand and seal, or hands and seals, of such justice or justices, levy the same by distress and sale of the offender's goods and chattles, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to such offender, upon whom such distress shall have been made as aforesaid; and for want of such distress, shall commit such offender to the common gaol of the county, riding, or place, where the offence shall have been committed, there to remain without bail or mainprize, for the space of three months, or shall cause such offender to be publickly whipped, at the discretion of such justice or justices.

If any person shall knowingly and unlawfully buy, exchange, conceal, or receive any of the said arms, clothes, or accoutrements, he forfeits 5 l. for every such offence, to be levied by distress and sale; and for want of distress, he may be committed for 3 months, or be publickly whipt, at the discretion of the justice.

CXI. Provided always, and be it enacted, That no officer of the militia, or private militia man, shall be liable to any penalty or punishment, for or on account of his absence during the time he shall be going to vote at any election of a member to serve in parliament, or during the time he shall be returning from such election.

None are liable to penalty for absence, during the time of going to vote

for a member of parliament, or returning.

CXII. And be it enacted, That if the serjeant, or other person, appointed by any captain of the militia to receive and keep in his custody the arms, clothes, and accoutrements thereto belonging, shall not complain, within three days, to some neighbouring justice of the peace, of any militia man's not having returned his arms, clothes, and accoutrements as before directed, such

If the person intrusted with the care of the arms, &c. shall not within 3 days complain to

any justice of any militia man not having duly returned the same, he forfeits 20 s. to be levied by distress and sale.

such serjeant or other person appointed as aforesaid, being thereof convicted on oath before one of his Majesty's justices of the peace, shall forfeit and pay the sum of twenty shillings; which penalty, if the offender shall not immediately pay the same, shall be levied by distress and sale of the offender's goods and chattles, by warrant under the hand and seal of the justice of the peace before whom such offender shall be so convicted as aforesaid, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to such offender, upon whom such distress shall have been made as aforesaid.

The serjeants are to receive their military orders from the adjutant, and superior officers; and are to report to them, or to a deputy lieutenant, or

CXIII. And be it enacted, That the several serjeants shall receive all their military orders, with respect to the training the militia men under their care, from the adjutant and their superior officers; and are hereby required to report, from time to time, all crimes and misdemeanors of the several militia men under their command, to their adjutant or superior officers, or to any two or more deputy lieutenants, or to some civil magistrate, as the case shall require.

a civil magistrate, the crimes and misdemeanors of the men.

Non-commission officer being negligent in his duty, or insolent, or disobedient to his superior officer, forfeits any sum not exceeding 30 s. and on non-payment, may be committed for 14 days; and is liable to be discharged.

CXIV. And be it enacted, That if any non-commission officer shall be negligent in his duty, or insolent or disobedient to the orders of the adjutant, or other his superior officer, and be thereof convicted as aforesaid, upon the oath of the adjutant, or other superior officer, before one or more justice or justices of the peace, such non-commission officer shall forfeit and pay any sum not exceeding thirty shillings, at the discretion of such justice or justices; and if such non-commission officer shall not immediately pay such penalty, the justice or justices of the peace before whom such non-commission officer shall be so convicted as aforesaid, shall, by warrant, commit such non-commission officer to the house of correction for the space of fourteen days; and his Majesty's lieutenant, or the colonel or commanding officer of the regiment or battalion, may discharge such non-commission officer, if he shall think fit.

Chief constables and others are required to be aiding and assisting to the lord lieutenants, deputies, and justices, &c. in the execution of this act.

CXV. And be it enacted, That all chief constables, petty constables, tythingmen, headboroughs, and other officers, of hundreds, rapes, lathes, wapentakes, parishes, tythings, and places, within that part of Great Britain called England, and the dominion of Wales, shall, and they are hereby required to be aiding and assisting to his Majesty's said respective lieutenants, and their deputy lieutenants, and to the justices of the peace, and to any of them, and to all to whom any power or authority is by this act given, in the execution thereof.

In case of actual invasion, or imminent danger thereof, or of rebellion, the King, having first commu-

CXVI. And be it enacted, That in case of actual invasion, or upon imminent danger thereof, or in case of rebellion, it may and shall be lawful for his Majesty, his heirs, and successors (the occasion being first communicated to parliament, if the parliament shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting or in being) to order and direct his or their lieutenants, and on their death

death or removal, or in their absence from their respective counties, ridings, or places, any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments and battalions of militia of their respective counties, ridings, or places, already raised, and not yet embodied, or herein appointed to be raised and trained, or so many of them as his Majesty, his heirs, and successors, shall, in his or their great wisdom, judge necessary, in such manner as shall be best adapted to the circumstances of the danger; and to put the said forces under the command of such general officers as his Majesty, his heirs, or successors, shall be pleased to appoint over them; and to direct them to be led by their respective officers into any parts of this kingdom for the suppression of such invasions and rebellions: and the officers of the militia and private militia men of the regiments, battalions, and independent companies, already embodied, or hereafter to be embodied, shall, from the time of their being drawn out and embodied as aforesaid, and until they shall be returned again, by order of their commanding officers, to their respective parishes or places of abode, remain under the command of such general officers, and shall be intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, and no other; and the officers of the militia shall, during such time as aforesaid, rank with the officers of his Majesty's other forces of equal degree with them, as the youngest of their rank; and, during such time, all the provisions contained in any act of parliament which now is or shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, shall extend to, and take place in respect of, the officers and private militia men of every such regiment, battalion, or independent company of militia respectively (excepting only as to such particulars as are or shall be otherwise especially provided for by this or any act or acts of parliament, hereafter to be made, for regulating the militia forces within the part of *Great Britain* aforesaid) and when they shall be returned again to their respective parishes or places of abode, they shall be under the same orders and directions only, as they were before they were drawn out and embodied as aforesaid; and if any non-commission officer of the militia or private militia man shall be maimed or wounded in actual service, he shall be equally intitled to the benefit of *Chelsea Hospital* with any non-commission officer or private soldier belonging to his Majesty's other forces; and his Majesty's lieutenant of every such county, riding, or place, and on the death or removal, or in the absence of his Majesty's lieutenant from his county, riding, or place, any three or more deputy lieutenants, shall issue his or their order to the chief constables or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, with directions to forward the same immediately to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, and places, within their respective divisions; and such constables, notified the occasion to parliament, if sitting, and if not, to the council, and notified the same by proclamation, may order the militia to be drawn out and embodied; or so many of them as he shall judge necessary; and put them under command of general officers; and direct them to be led into any parts of the kingdom for the suppression of invasions and rebellions; and they are to receive pay as the King's other regiments of foot, till they shall be returned again; and the officers are to rank with those of equal degree in his Majesty's other forces, as the youngest of their rank; and are to be under all the provisions of the mutiny act; excepting where it is otherwise specially provided for; and when returned to their own parishes, they are to be under the same orders and directions only, as before they were

drawn out and embodied :

And any non-commissioned officer or private man being maimed or wounded in the service, are equally intitled, with those of his Majesty's other forces, to Chelsea Hospital. The lord lieutenant or deputies, are to issue orders of the embodying to the chief constables, to be forwarded to the petty constables, who are thereupon to give notice to the men to attend; and any man, not being disabled, refusing to appear and march, forfeits 40*l.* and on non-payment, is to be committed for 12 months, or until payment of the militia man, sale, by distress and be publickly

bles, tythingmen, headboroughs, or other officers, are hereby required, upon receipt thereof, forthwith to give or leave in writing, notice, or cause such notice to be given to the several militia men, or left at the usual places of their respective abodes within their respective parishes, tythings, or places, to attend at the time and place mentioned in such order ; and if any militia man so ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man being convicted thereof, upon oath, before two or more justices of the peace, shall forfeit and pay the sum of forty pounds ; and if such militia man shall not immediately pay such penalty, the justices of the peace, before whom such militia man shall be so convicted, shall, by warrant, commit such militia man to the common gaol of the county, riding, or place, where he shall have been so convicted, there to remain without bail or mainprize for the space of twelve months, or until he shall have paid the penalty aforesaid : and if any person shall harbour or conceal any militia man, not attending when ordered out into actual service, knowing him to be a militia man, and shall be thereof convicted upon oath, before any justice of the peace, every such person shall, for every such offence, forfeit and pay the sum of five pounds, to be levied by distress and sale of the offender's goods and chattles, by warrant under the hand and seal of such justice, rendering the overplus, if any, after deducting the said penalty, and the charge of such distress and sale, to the party whose goods and chattles shall be so distrained and sold ; and for want of sufficient distress, it may and shall be lawful for such justice, and he is hereby required, to commit such offender to the house of correction for the space of two months, or to cause such offender to be publickly whipped, at the discretion of such justice.

of the penalty : And any person knowingly harbouring or concealing any absconding when called out into actual service, forfeits 5*l.* to be levied by distress, and for want of distress, he may be committed for 2 months, or whipped.

In case of invasion, or imminent danger thereof, or of rebellion, the parliament if adjourned, or prorogued, above 14 days, is to be summoned to meet ; and are to sit and act as it adjourned,

CXVII. And be it enacted, That if at any time (in case of actual invasion, or upon imminent danger thereof, or in case of rebellion) the parliament shall happen to be separated by such adjournment or prorogation as will not expire within fourteen days, it shall be lawful for his Majesty, his heirs, and successors, to issue a proclamation for the meeting of the parliament upon such day as he or they shall thereby appoint, giving fourteen days notice of such appointment ; and the parliament shall accordingly meet upon such day, and continue to sit and act in like manner to all intents and purposes, as if it had stood adjourned or prorogued to the same day.

or prorogued, to the day of such meeting.

Officers and men are inti-

CXVIII. And be it enacted, That the officers of the militia and private militia men, who shall be drawn out and embodied, shall be

be intitled to pay from the day of the date of his Majesty's warrant for that purpose.

to be paid, from the date of the King's

warrant for their being embodied.

CXIX. And be it enacted, That when any regiment or battalion of militia shall be drawn out and embodied, and during the time they shall continue embodied, the colonel, or, where there is no colonel, the commanding officer of such regiment or battalion, shall and may appoint an agent to such regiment or

When a regiment, &c. is drawn out and embodied, the commanding officer is to

the commanding officer, shall be and is hereby made subject and liable to make good all deficiencies that may happen upon account of the pay, clothing, or publick stock of such regiment or battalion: and such colonel, and, where there is no colonel, the commanding officer, shall take security from the agent so appointed.

agent thereto, taking security; and is liable to make good any deficiencies of pay, clothing, or regimental stock.

CXX. And be it enacted, That when the militia of any county, riding, or place, shall be ordered out into actual service, it shall and may be lawful for the captain of any company of militia to augment his company, by incorporating, with the consent of his Majesty's lieutenant, or, in the absence of his Majesty's lieutenant, with the consent of two or more of the deputy lieutenants, any number of persons who shall offer themselves as volunteers, and who shall appear to him to be sufficiently trained and disciplined, and provided with proper clothes, arms, and accoutrements, and who shall take the oath appointed to be taken by this act, and sign their consent to serve in the militia for the time of such actual service, and to submit to the same rules and articles of war as militia men are by this act liable to during the time of their continuing in actual service.

A captain may, with leave, augment his company, when order'd out into actual service, with volunteers, if properly disciplined, and provided, and who will take the oath appointed,

CXXI. And be it enacted, That no officer serving in the militia shall sit in any court martial upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces, sit in any court martial upon the trial of any officer or private man serving in the militia.

Officers of the militia and his Majesty's other forces are not to sit indiscriminately on

trials for offences committed by the different corps.

CXXII. And be it enacted, That when the militia of any county, riding, or place, shall be ordered out into actual service, or shall be out in actual service, the receiver or receivers general of the land tax for such county, riding, or place, shall, and he or they is and are hereby required to pay, or cause to be paid, to the captain or other commanding officer of each company of militia so ordered out, or being out in service for such county, riding, or place, one guinea for each private militia man belonging to his company, whether such militia man marched with the company when first drawn out, or was ordered out afterwards to join such company, to be paid over by such captain or other officer to every such private militia man who belonged to his company at the time such militia was ordered out

Receivers general of the land tax are to pay to the captain or commanding officer of such company, when order'd out into actual service, one guinea per man for each private man belonging thereto,



whether such man marched with the company when first drawn out, or was afterwards

ordered to join such as shall be

into actual service, on or before the day appointed for marching; and to such militia man, who shall be afterwards ordered out, when he shall join his company; and such receiver or receivers general shall be allowed the same in his or their accounts.

it; to be paid over by the captain to the men before they march; and afterwards order'd out, when they shall join the companies.

When the militia shall be called out to be trained, the justices of the peace, upon an order from the lord lieutenant or deputy, or commanding officer, are to issue warrants for providing such carriages for the use of the troops, as are order'd, with able men to drive them; and where a sufficient number cannot be provided within the county, &c. the neighbouring justices are to issue warrants for furnishing what shall be so wanted.

Officer is to pay down to the constable the following rates for the use of such carriages, 2 s. for every mile a waggon with 5 horses, or a wain with 6 oxen, or 4 oxen and 2 horses; 9d. for every cart with 4 horses; and so in proportion; for which a receipt is to

CXXIII. And be it enacted, That when the militia shall be called out to be trained and exercised, it may and shall be lawful for any justice of the peace of any county, riding, or place, being duly thereunto required by an order from his Majesty's lieutenant, or from any deputy lieutenant of the county, riding, or place, or from the colonel or other chief commission officer upon the place of any regiment, company, or detachment of militia, to issue out his warrant, under his hand, to the chief constables of hundreds, rapes, laths, wapentakes, or divisions, or to the constables, tythingmen, headboroughs, or other officers of the parishes, tythings, or places, from, through, near, or to which any such regiment or company of militia men, or any detachment thereof, shall be ordered to march, requiring them to make such provision for carriages of the arms, clothes, accoutrements, powder, match, bullets, or other warlike materials, with able men to drive such carriages, as is and are mentioned in the said order; but in case such sufficient carriages and men cannot be provided within any such county, riding, hundred, rape, lath, wapentake, division, parish, tything, or place, then the next justice or justices of the peace shall, upon such order as aforesaid being shewn unto him or them, issue his or their warrant to the chief constables, constables, tythingmen, headboroughs, or other such officers of the next county, riding, hundred, rape, lath, wapentake, division, parish, tything, or place, for the purposes aforesaid, to make up such deficiency of carriages: and such lieutenant, deputy lieutenant, colonel, or other chief commission officer upon the place, who, by virtue of the aforesaid warrant from the said justice of the peace, shall demand such carriages of such chief constable, constable, tythingman, headborough, or other officer, is and are hereby required, at the same time, to pay down in hand to the chief constable, constable, tythingman, headborough, or other officer, for the use of the person who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses shall travel; and the sum of one shilling for every mile any wain with six oxen, or with four oxen and two horses, shall travel; and the sum of nine pence for every mile any cart with four horses shall travel; and so in proportion for carriages drawn by a less number of horses or oxen; for which respective sums so received, the said chief constable, constable, tythingman, headborough, or other officer, is hereby required to give a receipt in writing to the person or persons paying the same; and such chief constable, constable, tythingman, headborough,

or other officer, shall order and appoint such person or persons having carriages within their respective hundreds, rapes, laths, wapentakes, parishes, tythings, or places, as they shall think proper, to provide and furnish such carriages and men according to the warrant aforesaid; which persons so ordered are hereby required to provide and furnish the same accordingly for one day's journey, and no more: and in case the chief constables, constables, tythingmen, headboroughs, or other officers, shall be at any charges for such carriages, over and above what is so received by them of his Majesty's said lieutenant, the said deputy lieutenant, colonel, or other chief officer, as aforesaid, such overplus shall be borne by each county, riding, or place, where such additional expence shall be incurred, and be repaid to them without fee or reward by the treasurer of each respective county, riding, or place, out of the publick stock.

CXXIV. And be it enacted, That if any such chief constable, constable, tythingman, headborough, or other officer, shall wilfully neglect or refuse to execute any such warrant of any justice of the peace; or if any person appointed by such chief constable, constable, tythingman, headborough, or other officer, to provide or furnish any such carriage and man, shall wilfully neglect or refuse to provide the same; every such offender shall forfeit a sum not exceeding forty shillings, nor less than twenty shillings, to the use of the poor of the parish, tything, or place, where such offence shall be committed: and every such offence shall and may be heard and determined by two justices of the peace within the county, riding, or place, where such offence shall be committed; which justices shall, by warrant under their hands and seals, cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale to such offender, upon whom such distress shall have been made as aforesaid.

CXXV. Provided always, and be it enacted, That neither the militia of this kingdom, nor any corps, detachment, or draught thereof, shall, on any account, be transported or carried out of the island of *Great Britain*.

CXXVI. And be it enacted, That all the powers given, and provisions made by this act, with respect to the county of *Northumberland*, and the militia thereof, shall in like manner take place, and be in force, with respect to the town of *Berwick upon Tweed*, except only as to the particulars herein expressed, and otherwise provided for; and that out of the persons returned in the lists for the said town, a number of private militia men shall be provided or chosen by lot to serve for the said town, in the same proportion with the private militia men appointed to serve for the other respective hundreds, wards, and other divisions, within the said county of *Northumberland*; and if persons can be found within the said town and liberties thereof, with such qualifications as are required for deputy lieutenants, and officers, within cities and towns which are counties

be given him; and the constables are to order carriages to be furnished accordingly; the same to be for one day's journey only; and any additional expences incurred thereby, are to be repaid out of the county stock.

Constables, &c. neglecting their duty in furnishing such carriages,

forfeit not less than 20 s. nor more than 40 s. to the use of the poor;

to be levied by distress and sale.

No part of the militia may be transported out of *Great Britain*.

Provisions, &c. in the act respecting *Com. Northumberland*, are to take place with respect to *Berwick upon Tweed*, except wherein it is otherwise provided for; and the number of men to serve for the said town,

is to be in proportion to the number appointed for the other hundreds, &c. within the county; and the chief magistrate is to appoint 5 deputy lieuts. if so many shall be found qualified, and officers proportionable to the quota of men; who are to carry the act into execution, and the men are to join, and be exercised with the militia of the county, and be deemed part thereof.

When the number of men is settled that the *Isle of Wight* is to furnish, the governor of the island is to appoint the officers; and he is to act as lords lieuts. of counties of counties are impowered and required; and is to appoint 5 or more deputies; who are severally to be qualified, and act, as is prescribed with respect to deputy lieutenants and officers for *Wales*; and the militia is to be raised as in the *Com. Southampton*, and deemed a part thereof; and there to be trained and exercised in the same manner,

of themselves, the chief magistrate of the said town of *Berwick upon Tweed* shall appoint five deputy lieutenants, and such number of officers of the militia as shall be proportionable to the number of militia men which the said town shall raise, as their quota, towards the militia of the county of *Northumberland*; and the said lieutenants and officers are hereby required to put the powers conferred by this act, for raising and training the militia, into execution, within the said town and liberties, subject to such penalties as are inflicted upon deputy lieutenants and officers of the militia for acting, not being duly qualified according to the directions of this act; and that the said militia shall join the militia of the county of *Northumberland*, and be exercised together, and shall then, and also in time of actual service, be deemed part of the militia of the county of *Northumberland*, for the purpose aforesaid.

act into execution; subject however to the penalties of non-qualification; are to join, and be exercised with the militia of the county, and be deemed part thereof.

CXXVII. And whereas the ordering the militia in the *Isle of Wight*, has always been in the governor or lieutenant governor of the said island: and whereas, from the length of time since the militia thereof was raised, the raising the same in manner heretofore accustomed may be attended with many difficulties; be it enacted, That after the number of persons which the said island is to furnish to the militia of the county of *Southampton* shall have been appointed, as by this act is directed, by his Majesty's lieutenant and the deputy lieutenants, or by the deputy lieutenants of the said county at large, the governor of the said island shall appoint the officers of the militia to be raised in the said island, and shall and is hereby impowered and required to act in the execution of this act, in the same manner as his Majesty's lieutenants of counties are hereby impowered and required to act, and shall appoint five or more deputies to act with him, in and for the said island; which deputies and officers of the militia shall be qualified in the same manner, and are hereby impowered and required to act in the execution of this act in the same manner, and under the same directions, provisions, and penalties, as deputy lieutenants and officers of the militia, in the several counties within the dominion of *Wales*, are by this act subject to; and the militia of the said island shall be raised in the same manner as the militia of the county of *Southampton*, and shall be deemed a part of the militia of the said county: and after the same shall be so raised, the said governor, lieutenant governor, and deputies, shall order and direct the training and exercising the said militia within the said island in the same manner as his Majesty's lieutenants and the deputy lieutenants are by this act authorized and directed to do in any county within that part of *Great Britain* called *England*; and the militia so raised within the said island, shall be continued and remain within the said island as an internal defence thereof.

**CXXVIII.** And be it enacted, That all fines, penalties, and forfeitures by this act imposed, the manner of recovery whereof is not in this act particularly provided for, shall, on proof upon oath of the offence before any justice of the peace of the county, riding, or place, where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the offender upon whom such distress shall have been made; and where the goods and chattels of such offender shall not be sufficient to answer such distress, such justice is hereby required to commit such offender to the common gaol of the county, riding, or place, where the offence shall have been committed, for any time not exceeding three months: and all fines, penalties, and forfeitures, by this act imposed, the application whereof is not otherwise particularly provided for, shall be paid to the clerk of the regiment or battalion, and shall be made a common stock; and the said clerk shall give a particular account thereof, as it shall arise, to the colonel or commanding officer of the regiment or battalion, who shall cause butts to be erected in some convenient place or places, and shall direct the clerk of the regiment or battalion to buy and provide, with some part of the money so arising, a proper quantity of gunpowder and ball, to be used at proper times by the militia men in shooting at marks, and to apply and dispose of such other part of the money aforesaid, as he shall think reasonable, in some prize or prizes to be given to such militia man or men as shall, by the commanding officer then present, be adjudged to be the best marksman or marksmen, and to apply the residue thereof to other contingencies relating to the regiment or battalion.

providing powder and ball, and in prizes to the best marksmen, and to contingencies of the regiment.

**CXXIX.** And be it enacted, That in all cases when any person shall be committed to the house of correction by virtue of this act, he shall, during the time of such commitment, be kept to hard labour in such house of correction.

he is to be kept to hard labour there.

**CXXX.** And be it enacted, That in all cases where his Majesty or the respective deputy lieutenants by them appointed, or his Majesty's justices of the peace, are, by this act, empowered to examine, hear, and determine, all witnesses upon oath; which oath such lieutenants, justices, or any one of them, is and are hereby empowered to administer.

**CXXXI.** And be it enacted, That no order or conviction made by any of his Majesty's lieutenants, or by any three or more deputy lieutenants, or by any two deputy lieutenants together with any one justice of the peace, or by any one deputy lieutenant together with any two justices of the peace, or by any justice

All fines, penalties, and forfeitures where not otherwise directed, are to be recovered, on proof upon oath of the offence before a justice for the county, &c. by distress and sale; and where sufficient distress cannot be had, the offender is to be committed for 3 months; and where not otherwise directed, they are to be paid to the regimental clerk, and made a common stock, and be accounted for by him to the colonel or commanding officer of the regiment; and are to be applied in erecting butts, other contingencies.

Where any person shall be committed to the house of correction,

Lord lieuts. deputies, and justices, in all matters to be tried before them, empowered to examine the witnesses upon oath;

And no order or conviction which shall be made by them

shall be removed, or superseded, by writ of *certiorari*.

justice or justices of the peace, by virtue of this act, shall be removed by *certiorari* out of the county, riding, division, place, city, or town, wherein such order was made, into any court, and that no writ or writs of *certiorari* shall supercede execution, or other proceedings, upon any such order made in pursuance of this act; but that execution, and other proceedings, shall and may be had and made thereupon, any such writ or writs, or allowance thereof, notwithstanding.

Where a parish shall be in more counties or ridings than one, the men shall serve in the militia of the county, &c. wherein the parish church stands, and be subject

CXXXII. Provided always, and be it further enacted by the authority aforesaid, That where any parish shall lie in more counties or ridings than one, the inhabitants of such parish shall serve in the militia of that county or riding wherein the church belonging to such parish is situated; and that such parish shall be deemed as part of that county, and shall be subject to the jurisdiction and authority of the deputy lieutenants, justices of the peace, and other officers of that county or riding, to all the intents and purposes of this act.

The inhabitants of *Craike*, a parcel of the county of *Durham*, surrounded by the north riding county of *York*, shall serve in the militia for the said north riding of *York*, and be subject to the same jurisdiction.

CXXXIII. And be it enacted, That the inhabitants of the constabulary of *Craike*, a parcel of the county of *Durham*, surrounded by the north riding county of *York*, shall serve in the militia for the said north riding; and the deputy lieutenants and justices of the peace for the said north riding, shall and are hereby empowered to act in the said constabulary.

The inhabitants of *Maker* parish shall serve and be trained with

CXXXIV. And be it enacted, That the inhabitants of that part of the parish of *Maker*, that lies in the county of *Cornwall*, shall serve in, and be trained and exercised with, the militia of the county of *Cornwall*, and shall, to all intents and purposes, be deemed, taken, and accepted as part thereof.

and those of *Wokingham*, with the militia of *Com. Berks*;

CXXXV. And be it enacted, That the inhabitants of the town and parish of *Wokingham* shall serve in, and be trained and exercised with, the militia of the county of *Berks*.

of *Filey*, to serve in that of the east riding of *York*. of *Threapwood*, in that of *Flint*; and to be exercised

CXXXVI. And be it enacted, That the inhabitants of the township of *Filey* shall serve in the militia of the east riding of the county of *York*.

and of *Saint Martin*, called *Stamford Baron*, in that of *Lincoln*.

CXXXVII. And be it enacted, That the inhabitants of *Threapwood* shall serve in the militia of the county of *Flint*, and shall be trained and exercised with the militia of the parish of *Worthenbury*, within the said county.

with that of *Worthenbury*;

CXXXVIII. And be it enacted, That the inhabitants of and in the parish of *Saint Martin*, called *Stamford Baron*, in the suburbs of the borough and town of *Stamford* on the south side of the waters there, called *Welland*, shall serve in the militia of the county of *Lincoln*.

The tanners in *Devon* and *Cornwall* are to be under the lord warden of the stannaries.

CXXXIX. And be it enacted, That nothing in this act contained shall extend to the tanners in the counties of *Devon* and *Cornwall*; but the lord warden of the stannaries for the time being, in pursuance of his Majesty's commission in that behalf, and such as he shall commissionate and authorize under him, may

may and they have and use the like powers, and array, affels, arm, muster and exercise, the said tinnors within the said counties, an either of them, as hath been heretofore used, and according to the ancient privileges and customs of the said annaries.

CXL. And be it enacted, That his Majesty's lieutenants Lieutenants who are or shall be commissioned for the militia of the city of London are to lift and levy the train bands, as heretofore. and auxiliaries of the said city, in manner as heretofore.

CXLI. And whereas the militia of the *Tower Division* in the County of *Middlesex*, commonly known by the name of *The Tower Hamlets*, is, and always has been, under the command of his Majesty's constable of the *Tower*, or lieutenant of the *Tower Hamlets*, for the service and preservation of that royal fort; be it therefore enacted, That it shall be lawful for his Majesty's said constable, or lieutenant, for the time being, from time to time to appoint his deputy lieutenants, and to give commissions to a proper number of officers to train and discipline the militia to be raised within and for the said division or hamlets, pursuant to an act of the thirteenth and fourteenth years of the reign of King *Charles the Second*, intituled, *An act for ordering the forces of the several counties of this kingdom*, and to form the same into two regiments of eight companies each, in such manner as the said constable, or lieutenant, hath used to do; and also for defraying the necessary charges of trophies, and other incident expences of the militia of the same division or hamlets, it shall be lawful for his Majesty's said constable, or lieutenant, to continue to raise, in every year, the proportion of a fourth part of one month's assessment of trophy money within the said division or hamlets, in such manner as he hath used to do by virtue and in pursuance of the said act of the thirteenth and fourteenth years of the reign of King *Charles the Second*. The constable of the Tower is to appoint dep. lieuts. and officers, to train and discipline the militia of the Tower Hamlets, pursuant to act 13 & 14 Car. II. which are to be formed into 2 regiments of 8 companies each; and he is to raise trophy money annually, to defray the incident charges thereof,

CXLII. And be it further enacted, That his Majesty's said constable of the *Tower*, or lieutenant of the *Tower Hamlets*, shall appoint a treasurer of the said trophy money, for receiving and paying such monies as shall be levied by virtue of the said act of the thirteenth and fourteenth years of the reign of King *Charles the Second*; which said treasurer shall yearly account in writing and upon oath, for the same, to the said lieutenant, or his deputy lieutenants, or any three or more of them; which oath they shall have power to administer; and which accounts for the same shall be certified to the justices of the peace for the said division at their next general or quarter sessions; and that the said constable, or lieutenant, shall not issue out warrants for raising any trophy money, until the justices of the peace, or the major part of them, at such sessions, shall have examined, stated, and allowed, the accounts of the trophy money raised, levied, and collected, for the preceding year, and certified the same under the hands and seals of four or more of such justices, unless in case where it shall appear to such justices, that, by reason and appoint treasurer, who is to render upon oath an account yearly, which is to be certified to the quarter sessions; and no money may be raised till the accounts of the preceding years are passed by the justices;

unless by the death of the treasurer, such accounts cannot be passed.

The Id. warden of the cinque ports, and his lieuts. are to execute therein the powers granted them by former acts, in like manner as the Ids. lieuts. and deputies of counties may do; and may continue the usual number of soldiers therein; and the militia thereof is to remain separate from that of the counties wherein they are situate; and they may raise and draw out, in pursuance of orders from the King, conformable to the act of 13 & 14 Car. II. the militia thereof, notwithstanding the pay advanced be not reimbursed; and provide the soldiers with a month's pay in hand; and may exercise the usual powers for arraying, assessing, arming, and exercising, &c. the men, and raising trophy money, &c.

All former militia acts are repealed, except in cases subjected to provisions in the said acts;

and nothing in this act is to vacate any

CXLIII. And be it enacted, That the lord warden of the cinque ports, two ancient towns and their members, and in his absence, his lieutenant or lieutenants, may and shall put in execution within the said ports, towns, and members, all the powers and authorities given and granted by any former act or acts, and may and shall execute and perform all and every the things therein contained, in like manner as his Majesty's respective lieutenants of counties, and their deputy lieutenants, may do; and may keep up and continue the usual number of soldiers in the said ports, towns, and members, unless he or they find cause to lessen the same; and the militia of the said ports, towns, and members, shall remain separate from the militia of the several counties within which the said ports, towns, and members, are situate; any thing herein contained to the contrary notwithstanding; and that it shall and may be lawful for the lord warden, or his lieutenant or lieutenants, in pursuance of orders from his Majesty, his heirs, and successors, and in the manner prescribed by an act made in thirteenth and fourteenth years of the reign of King Charles the Second, intituled, *An act for ordering the forces in the several counties of this kingdom*, notwithstanding one or more months pay advanced be not reimbursed, to raise and draw out the soldiers into actual service, and to cause the persons charged as by the said act, to provide their soldiers with pay in hand, not exceeding one month's pay, in such manner, as if all the pay advanced and provided had been reimbursed; and to use the like powers, and to array, assess, and arm, muster, and exercise the said soldiers, and to make assessments, and issue warrants for the assessments made or to be made for raising any trophy money, and for defraying the necessary charges of trophies, and other incident expences of the militia of the said ports, towns, and members, as hath been heretofore used, and according to their ancient privileges and customs; any thing in the said act to the contrary notwithstanding.

CXLIV. And be it enacted, That all former acts relating to the raising of the militia within that part of Great Britain called England, and the dominions of Wales, shall, from and after the passing this act, be, and are hereby repealed, except in such cases as are herein specially directed to be subject to the provisions of the said former acts, or any of them; and the militia raised by virtue of the said former acts, shall be subject to all the same provisions and regulations as the militia directed to be raised by virtue of this act are subjected to.

CXLV. And be it enacted, That nothing in this act contained shall in any wise extend to annul or make void any thing already

already done in pursuance of the former acts relating to the militia forces, or any of them, or to prevent the commencing any proceedings already commenced in pursuance of the said acts.

thing done in pursuance of the former acts; or prevent any pro-

ceedings commenced in pursuance thereof.

CXLVI. And whereas in the several counties, ridings, or places, where the militia has been already raised, several precepts have issued for the returning lists of the names of several persons liable to serve in the militia, many of which lists have been returned, and several proceedings had thereon, in pursuance of the laws for the better ordering of the militia forces of that part of *Great Britain* called *England*: and whereas it is necessary that some provision should be made to empower the deputy lieutenants and justices of the peace in their respective subdivisions, and the justices of the peace in the said several counties, ridings, and divisions, in that part of *Great Britain* called *England*, to proceed on such lists, and other matters relative thereto; be it therefore enacted, That the said deputy lieutenants and justices of the peace may and shall continue to act and put in force the several acts of parliament made in the thirtieth, thirty first, thirty second, and thirty third, years of the reign of his late Majesty, and in the first year of the reign of his present Majesty, relating to the better ordering of the militia forces, and the pay thereof, in that part of *Great Britain* called *England*, in all matters and things subsequent to the precepts so issued, and the lists returned or to be returned thereon; and that the justices of the peace of the said several counties, ridings, and places, may and shall cause to be levied the fines, penalties, and forfeitures, already incurred, or which may be incurred, in pursuance of the said militia laws, as are in and by the said laws directed; any thing in this act to the contrary notwithstanding.

Where, in pursuance of the former acts, the militia has been raised, and precepts issued for returning lists, and proceedings had thereon, the dep. lieuts. and justices are to proceed, as those acts direct, in execution of all matters and things subsequent to such precepts, and the lists returned or to be returned thereon; and levy the fines and penalties incurred, on that account, as those laws direct.

CXLVII. Provided always, and be it enacted, That if any suit or suits, action or actions, shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the action or actions, suit or suits, shall be commenced within six calendar months after the fact committed, and not afterwards; and shall be laid in the county where such action or actions, suit or suits, did arise, and not elsewhere; and the defendant or defendants in such suit or suits, action or actions, to be brought, may plead the general issue, and give this act, and the special matter, in evidence: and if the jury shall find for the defendant or defendants in such suit or suits, action or actions; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their suit or suits, action or actions, after the defendant or defendants shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs; the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases to recover costs by law.

Limitation of actions.

General issue.

Treble costs.



CXLVIII. Provided always, and be it enacted by the authority aforesaid. That this act shall continue and be in force for the space of seven years, and from thence to the end of the then next session of parliament, and no longer.

## CAP. XXI.

*An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holborn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the dutchy of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein; and for other purposes therein mentioned.*

## Preamble.

WHEREAS the several squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew Holborn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the dutchy of Lancaster which lies in the county of Middlesex, are in general, very ill paved and cleansed and not duly lighted: and whereas the present methods prescribed by law for paving, cleansing, and lighting the said squares, streets, and lanes, are ineffectual: and whereas it would tend greatly to the benefit and safety of the inhabitants of the said squares, streets, and lanes, and of all persons passing through the same, if the pavements thereof were properly laid and regulated, and the said squares, streets, and lanes, kept clean, free from obstructions, and annoyances, and duly lighted: may it therefore please your Majesty, that it may be enacted; and be it enacted, &c. &c.

Commissioners appointed for carrying this act into execution — 15, or more, at their first meeting, to elect by ballot 20 other persons to be associated to them in the trust. — 11, or more, giving 14 days notice, may fill up vacancies occasioned by the death, or refusal to act, of any of the commissioners, except of such as are *ex officio*. — Commissioners holding any office, or interested in any contract under the trust, are disqualified from acting as such. — 3, or more, are to hold their first meeting at Westminster Bridge office, on the Thursday sevennight after passing the act; and they are then to adjourn, and meet afterwards; as they shall think proper. On failure of a sufficient number of commissioners at any meeting to act and adjourn, the clerk is to appoint another meeting, giving 10 days notice; or, on his death, neglect or refusal, 2 commissioners may appoint one: they are to bear their own expences at all their meetings. — Qualification of commissioners, 300*l. per annum*, or 10,000*l.* &c. — Penalty 100*l.* on their acting, if not qualified, and they are to prove their qualification, if prosecuted, or pay the penalty. — 11, or more, at their second or any subsequent meeting may appoint one, or more clerks, treasurers, and receivers; and also surveyors; and such other officers as they, or any 7 or more of them, shall think necessary; taking proper security; and they may remove them, and appoint others. Rates to be paid to the receivers. Officers, and others, to render an account upon oath, at the times and in the manner, 7 or more commissioners shall direct; and pay

over the money in their hands to the order of 5 or more commissioners.— 2 commissioners may administer the oath; and any person refusing to render such an account, or to verify the same, or to produce and deliver up the vouchers, and pay over the ballance, &c. may be sued, by action brought in the names of 5 or more commissioners, or complaint may be brought against him before 2 or more justices, who are empowered to hear and determine the matter in a summary way; and to levy by distress and sale the money, that shall appear to be in such persons hands; and for want of sufficient distress, to commit such offender, until he render an account and payment, or shall compound with 5 or more commissioners, and have paid the composition, or delivered up the writings, &c. 11 or more, commissioners may appoint officers salaries, and make allowance to such others as have aided or assisted the execution of this act. — Officers taking any fee or reward, other than their salaries, for doing their duty, or being concerned in interest in any bargain made by the commissioners for the purposes of this act, are disqualified from ever serving, or being employed under this act, and forfeit also 100 *l.* — Treasurer to pay over, from time to time, the monies he receives, as soon as the same amount to 500 *l.* into the bank, in the name of the commissioners; which is to be disposed of by an order of 5, or more, of them. — 3, or more, commissioners are empowered from time to time, to order any of the publick squares, streets and lanes, within the said city, being thoroughfares for wheel-carriages, &c. to be paved, altered, cleansed, and lighted, &c. — and also such gravel, stones, and other materials, to be dug out of, or brought into the same, and such artificers and workmen to be employed, and money issued; and all other acts conducive to the designs of this act, to be done, as they shall think fit. — Clause in the act 5 *Elizabeth*. repealed, with respect to persons employed in consequence of this act, in paving, &c. Five, or more, commissioners may contract for the paving, cleansing, and lighting the squares and streets, &c. giving 14 days previous notice for persons to deliver in proposals. — Contractors for cleaning the streets may, by leave and order of two or more justices, and making satisfaction, lodge their dirt, for the accommodation of country carts, in such places as shall not appear to be intended to be built upon. — 3, or more, commissioners may order all works done in pursuance of this act, to be inspected by their surveyor; and where any shall be found not well and duly performed, may sue the contractors for the penalties; to be applied for the purposes of this act. — Agreement between landlord and tenant touching the paving, lighting, and cleansing the streets, not vacated by this act; but the rates made by the commissioners are to be paid in lieu thereof; and all disputes concerning such agreements are to be settled by 5 or more commissioners. — Commissioners, or persons authorized by them, may inspect and take copies of the books kept for cleansing, paving, or lighting the streets and places in *London, Westminster, or Middlesex.* — Property of all materials for the purposes of this act vested in the commissioners: 3 may bring actions, or prefer indictments against any persons who shall steal any part thereof; and persons wilfully damaging the same, forfeit for the 1st offence, not exceeding 40 *s.* nor less than 10 *s.* and for the 2d and every other offence, not exceeding 3 *l.* nor less than 20 *s.* to be levied by distress and sale; and for want of distress, the offender to be committed to the house of correction, not exceeding two months, nor less than 10 days. — 5 or more commissioners may sell the old materials, and apply the money to the purposes of this act. — Pavements taken up by the workmen of any of the water companies, are to be repaired by the commissioners pavour, at the expence of such company; but where any of the pipes or plugs shall be raised, sunk, or altered for the purposes of this act, the expences shall be defrayed out of the rates. — 5 or more of the commissioners may contract with the said companies for relaying such pavements. — Pavements taken up by the commissioners of sewers are to be relaid, at their expence, by the commissioners pavour. — 5 or more commissioners may contract with the commissioners of sewers for relaying such pavements. — No alteration to be made in the form of the streets, &c. without the consent of 5 or more commissioners, on penalty of 51.

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over and above all expences of re-inflating the same. — 500*l.* to be issued and applied out of the aids granted to his Majesty for the service of the year 1762, to be paid to 5 or more commissioners, or to their order, and applied in new paving the said squares, streets and lanes. — Receiver to account quarterly to the commissioners, copies of the said accounts, and of the proceedings of the commissioners, to be delivered in every session of parliament, within 30 days after the opening. — Penalty of laying asses or other annoyances in the streets, before the scavenger comes to carry away the same, is for the 1st offence 5*s.* for the 2d 10*s.* and for the 3d and every other offence 20*s.* — Obstruction, nuisance, or incroachment occasioned by setting out any carriages, timber, or other material, matter, or thing in the streets, &c. or by carts, &c. suffered to remain longer therein than is necessary for the loading or unloading thereof, may be removed, by order of 3 commissioners upon complaint thereof, at the charges of the offender, he paying moreover a sum not exceeding 40*s.* — No inclosure for building or repairing houses, to be made in any of the streets, &c. which shall be compleated by virtue of this act, without the consent of 3 or more commissioners, on penalty of forfeiting, not exceeding 20*s.* for every 12 hours such nuisance shall remain. — A rate, not exceeding 1*s.* 6*d.* in the pound to be made on all houses, &c. by 5 or more commissioners, half yearly or oftener, for defraying the expences of paving, repairing, cleansing, and lighting the streets, to be ascertained by the poor-rate of the respective parishes, and to be paid quarterly. — Receivers authorized by an order of 3 or more commissioners, may inspect the parish books concerning their poor's-rate; and take copies thereof. — Where houses are lett out in lodgings to divers tenants, the owners are to be assessed; but the rate may be levied on the occupiers, which is to be allowed them in their rent. — Where houses, &c. shall be empty, untenanted or unoccupied, the owners are to be charged with one half of the said rates, and the premises are to remain a security for the arrears. — Where houses, &c. are occupied by foreign ministers, or others not liable by law to pay the rates, the owners are to pay the same; and the premises to remain a security for the arrears; and an action may be brought against the owner. — Tenants and occupiers are to pay the rates, and deduct the proportion paid on account of the owner or proprietor out of their rent. — All publick buildings, deal walls, and void spaces of ground to be rated by the square yard. — The rates for parish churches, chapels, and church-yards, to be paid by the church or chapel-wardens; and for other places, by the respective proprietors. — Where the rates shall not be paid within 10 days after demand, the receiver by warrant of two justices, with the assistance of a constable, may levy the same, with all charges, by distress and sale. — All the monies raised and appropriated by this act are veited in the commissioners, to be applied for the purposes of the act only. — Penalties and forfeitures in general to be levied by distress and sale, by warrant of a justice, and to be paid to the commissioners treasurer. — Balance of money received, and not paid over at the time of the receiver's death, is to be paid by the executors of the deceased's estate; and the receipt of 3 or more commissioners is a sufficient discharge for the same; but on nonpayment within 21 days after demanded, the treasurer may sue the executors. — Where persons shall quit their houses, &c. before they have paid the rates, the receiver by warrant of 2 justices for *Middlesex*, or city and liberty of *Westminster*, (the same being first backed by some magistrate for the place, where the distress is to be made) may levy the rates, and all charges by distress and sale. — No rate to be made upon any place, till the pavement is compleated; and all contracts before made (except between landlord and tenant) for paving, cleansing, or lighting the streets are then to cease. Persons paying to these rates are exempted from all other charges and penalties on account thereof. — As soon as any rate shall be made by virtue of this act, the owners or occupiers of houses, &c. assessed thereto, are discharged from payment of like rates made in pursuance of former acts. — Inhabitants of *St. James's Square*, being included in an act of 12 *Geo. II. Lincoln's Inn Fields*, in an act of 8 *Geo. II.* and *Golden Square*, in an act of 24 *Geo. II.* are exempted out of this

this act. — This act not to extend to such parts of streets, &c. as are already directed to be paved, lighted, or cleaned, by any road act; nor to Deans Yard, and places adjoining to the south and west doors of Westminster Abbey. — Seven or more Commissioners may make a new passage, or widen the old one, from Crury Lane into Great Queen Street, at the Devil's Head; and purchase houses and ground for that purpose, &c. not exceeding 6 in number; and if they make a new one, may inclose and sell the old passage for building upon; and may pave, repair, and cleanse the same, in like manner as the squares and streets, &c. before mentioned. — No part of the rate, or money granted by parliament, to be applied in the purchase of the said houses or ground. — Persons aggrieved, where no other method of relief is appointed, may appeal to the quarter sessions within three months; giving 12 days notice of such appeal to the clerk or treasurer, and entering into recognizance, with security, to try the same, &c. justices to determine such appeal in a summary way, and award costs. — Distress not to be deemed unlawful, nor the party making it a trespasser, for want of form in the proceedings; nor the party distraining a trespasser *ab initio*, on account of any subsequent irregularity. — Party to recover full satisfaction only for the damage, in an action on the case; but where sufficient tender shall have been made, before the action brought, the plaintiff is not to recover. Defendant, with leave, may pay money into court, &c. — Contracts and other writings not chargeable with any duty. — Orders and proceedings of the commissioners to be entered in books, and signed by the clerk; which may be produced and read in evidence. — No act of the commissioners valid, unless done at a public meeting. — Proceedings against offenders not liable to be quashed for want of form; or removeable by *certiorari*. Limitation of actions. General issue. Treble costs.

## CAP. XXII.

*An act for the keeping regular, uniform, and annual registers, of all parish poor infants under a certain age, within the bills of mortality.*

WHEREAS the keeping regular, uniform, and annual registers, of all parish poor infants under four years of age, within the bills of mortality, may be a means of preserving the lives of such infants; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the churchwardens and overseers of the poor of every parish within the bills of mortality, or some one or more of them, shall, on or before the first day of July, in the present year one thousand seven hundred and sixty two, provide, or cause to be provided, at the expense of their respective parish, one book of royal paper; and the book belonging to such respective parish wherein there is or shall be any workhouse, hospital, or other house or place provided for the maintenance of the poor, shall, in every page, be ruled with distinct columns, and the title of each column shall be wrote or printed in such page, agreeable to the schedule hereunto annexed, marked (A); and the book belonging to each respective parish wherein there is not, nor shall be, any such work-house, hospital-house, or place, shall in every page, be ruled with distinct columns, and the title of each column shall be wrote or printed in such page, agreeable to the schedule hereunto annexed, marked (B).

Preamble.

A register book is to be provided in every parish, by 1 July, 1762;

That for any parish wherein there is a workhouse, &c. is to be ruled and distinguished into columns according to the annexed schedule marked (A); and that where there is no such workhouse, &c. according to the schedule marked (B).

II. And

All infants under 4 years of age, which shall be in any such work-house, &c. or under the care of the churchwardens or overseers of the poor, on the said 1 July, shall be entered therein agreeable to the said schedules;

as shall also all infants under the said age, which shall be brought to the workhouse, or be under the care of the churchwardens, after the said day.

The first annual register is to commence on the said 1 July, and end on 31 Dec. ensuing; and afterwards to commence on

At the expiration of each year, all infants under the age aforesaid then living and register'd, and not discharged, shall be transfer'd to the register for the ensuing year, previous to any further entry;

and be signed by the vestry churchwardens, overseers, vestry clerk, and

II. And be it further enacted by the authority aforesaid, That the said churchwardens and overseers of the poor, or some one or more of them, shall enter, or cause to be entered, in the book belonging to their respective parish, and provided in pursuance of this act, all the infants under the age of four years, which on the said first day of July, shall be in the workhouse or work-houses, hospital or hospitals, or other house or houses, place or places, provided for the maintenance of the poor of each parish respectively, or under the care of the said churchwardens or overseers of the poor, with the times when they were received, their names, age, and whatever description relates to them as far as can be traced, being agreeable to the schedules annexed.

III. And be it enacted by the authority aforesaid, That from and after the said first day of July, all infants under the age of four years, who shall be brought to any work-house, or hospital-house, or place provided for the maintenance of the poor, or be under the care of the said churchwardens or overseers of the poor in their respective parishes, or any of them, shall be, by the said churchwardens or overseers of the poor, or some one or more of them, or by the direction or command of some one or more of them, entered regularly in the book aforesaid, with the times of their admittance, and all circumstances relating to them, agreeable to the titles and heads of the columns in the said schedules mentioned and set forth.

IV. And be it further enacted by the authority aforesaid, That the first annual register hereby intended and directed to be kept, shall commence on the said first day of July, and shall end on the thirty first day of December ensuing; and, after that time, the said annual register shall commence the first day of January, and end the thirty first day of December following.

1 Jan. and end on 31 Dec. following.

V. And be it further enacted by the authority aforesaid, That after the expiration of each year, the names of all the infants under four years of age, then living and registered in the said annual registers, and not discharged from being under the care of the churchwardens and overseers of the poor, shall be transferred to the registers for the year ensuing, under their proper dates of reception, and under the description in which they stand in the preceding registers, previous to any further entry; so that each annual register shall contain a full and distinct register of the whole number of infants under the age above-mentioned, under the care of the parish at that time, as well as the children received under the said age, in the current year, without being intermixed or blended with the deaths or discharges of any in the preceding years.

VI. And be it further enacted by the authority aforesaid, That the said annual registers, and every of them, shall be signed within thirty days after the expiration of each respective year, by the vestry, or any five of them, and by the churchwardens, overseers, vestry clerk, and master of the work-house, for the time being; and where there is no vestry

or vestry clerk, by the churchwardens, overseers, and master of the workhouse; and where there is no master of the workhouse, by the churchwardens and overseers of the poor.

master of the workhouse, where there are any such.

VII. And be it further enacted by the authority aforesaid, That in case any infant is received into the workhouse, or under the care of the said churchwardens or overseers of the poor, before the said infant is baptized, or known to be baptized, due care shall be taken to baptize the same within fourteen days after the reception of such infant, so that the christian and the true surname, if known, and if not known, a surname to be given by the churchwardens and overseers of the poor, or any one of them, be regularly entered in the said book; and the name and surname of such infant shall also be registered in the parish register of such parish: and in case of a difficulty of distinguishing children, some proper mark shall be affixed to the child's cloaths, or hung round his or her neck. be distinguished by affixing some mark to them.

Infants received before baptized, or known to be so, shall be baptized within 14 days after; and benamed, if not known, by the churchwardens and overseers, and register'd accordingly; and they may

VIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to such children whose parents receive money from the parish in aid of the maintenance and support of such children, they not being in the workhouse or other parish house.

Children whose parents receive money from the parish towards their support, are not included in the act.

IX. And be it further enacted by the authority aforesaid, That a copy of the said register wrote up, from time to time, shall, every month, be laid by the vestry clerk, or other person appointed for that purpose, before the respective vestries, or other parochial meetings assembled in vestry, that the same may be revised by them.

Copy of the register is to be laid monthly before the vestry;

X. And be it further enacted by the authority aforesaid, That the said copy of the register being compleated at the end of the year, shall be deposited in the vestry room, or other place of parochial meetings, to remain there for the use of the vestrymen, or other parochial meetings.

and at the end of every year, a copy for the year to be deposited in the vestry room;

XI. And be it further enacted by the authority aforesaid, That the original register book shall remain and be carefully preserved and kept with the rest of the parish books in the hands of the parish officers for the time being.

and the original is to be preserved with the parish books;

XII. And be it further enacted by the authority aforesaid, That all the respective parishes within the bills of mortality by the hand of their vestry clerk, or, where there is no vestry clerk, by the hands of the churchwardens, or one of them, shall, on or before the fifteenth day of *February* in every year, deliver fair copies of their respective registers of children under the age of four years, signed in manner hereby directed, into the hands of the clerk of the master, wardens, and court of assistants of the company of parish clerks, or such person as the said master, wardens, and court of assistants of the said company shall appoint, he returning a receipt for the same signed by himself.

and signed copies of the several registers for the respective parishes are to be delivered yearly by 15 Feb. to the clerk of the company of parish clerks, for which he is to give a receipt;

XIII. And be it further enacted by the authority aforesaid, That the said clerk, or other person appointed by the said

master, and is to cause the said copies

to be bound up  
in alphabetical  
order ;

and make out  
from thence  
one general  
abstract, by  
25 March,  
yearly ;

and deposit  
the said ab-  
stract bound  
up with the  
registers,  
with the ma-  
ster and war-  
dens of the  
company ;  
and he is to  
print the said  
abstract, and  
deliver 6 co-  
pies thereof,  
for the use of  
each parish, to  
the respective

for all which  
he is to be  
paid by each  
such vestry  
clerk, or  
churchward-  
en, on deli-  
very of the  
said copies,  
25 s. passing a  
receipt for the  
same.

Churchward-  
ens and others  
neglecting  
their duty in  
the premises,  
forfeit to the  
informer 40 s.  
for every of-  
fence,

to be recover-  
ed by distress  
and sale, by  
warrant of a  
justice.

master, wardens, and court of assistants of the said company, shall receive the said copies of registers, and cause the same to be bound in a book, collecting and ranging together the registers of the ninety seven parishes within the walls of the city of London, those of the seventeen parishes without the walls of the city of London, those of the twenty three parishes in *Middlesex* and *Surrey*, and those of the ten parishes in the city and liberty of *Westminster*, in alphabetical order ; and in this order he shall, on or before the twenty fifth day of *March* in every year, make out, or cause to be made out, one general abstract of the same.

XIV. And be it further enacted by the authority aforesaid, That the said registers of the respective parishes, together with the said general abstract, being bound in a book together, shall remain deposited in the hands and custody of the said master, wardens, and court of assistants of the said company of parish clerks.

XV. And be it further enacted by the authority aforesaid, That the said clerk, or other person appointed by the said master, wardens, and court of assistants of the said company of parish clerks, shall print, or cause to be printed, the said general abstract, and deliver six copies thereof to every vestry clerk, or to one of the churchwardens, of all the respective parishes within the bills of mortality, for the use of the parishioners and parish officers.

vestry clerks or churchwardens ;

XVI. And be it further enacted by the authority aforesaid, That for and in consideration of the expence and trouble of receiving the said copies of registers, making an exact abstract thereof, binding the registers and abstracts in a book to remain as a depositary of the same, printing the general abstract, distributing the copies thereof, with other contingent expences relating to the same, each parish, shall, by the hands of the vestry clerk or churchwarden, pay into the hands of the clerk or other person appointed by the said master, wardens, and court of assistants of the said company of parish clerks, the sum of fifteen shillings at the time the said copies of registers are delivered to him, he passing a receipt for the same.

XVII. And be it further enacted by the authority aforesaid, That if any churchwarden, overseer of the poor, vestryman, clerk of the vestry, master of the workhouse, master or warden of such company of parish clerks, or any clerk of such company, or any other person or persons, shall neglect his duty as directed in and by this act, such churchwarden, overseer of the poor, clerk of the vestry, or master of the workhouse, master or warden of such company of parish clerks, or such clerk of such company, person or persons, shall, for every offence, forfeit and pay to the informer the sum of forty shillings ; to be recovered before any one of his Majesty's justices of the peace, and to be levied by distress and sale of the goods and chattels of the offender, by virtue of a warrant under the hand and seal of such justice before whom the same shall be recovered, directed to any constable or other peace officer.

## CAP. XXIII.

*An act to indemnify such as have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and for the making and filing of affidavits of clerkship.*

**P**REAMBLE, reciting the qualifying acts of 1 Geo. I. 13 Car. II. 25 Car. II. 30 Car. II. 18 Geo. II. 30 Geo. II. and 31 Geo. II. further time to the 28 Nov. 1761, allowed to persons who have omitted to qualify themselves as the said laws direct.—Persons qualifying themselves in manner, and within the time appointed, recapitulated and indemnified.—Offices, &c. already voided by judgment of a court, and filled up, confirmed.—None indemnified, where final judgment hath been given for the penalty incurred.—Further time to the 28 Nov. 1761, allowed for making and filing affidavits of clerkship, omitted to be made and filed in due time.

## CAP. XXIV.

*An act for importing salt from Europe into the colony of Nova Scotia in America.*

**W**HEREAS doubts have arisen, whether his Majesty's subjects may lawfully import salt directly from any foreign port in Europe into the colony of Nova Scotia in America for the use of the fishery there, in like manner as is allowed for the fisheries of New England and Newfoundland, by virtue of an act of parliament made in the fifteenth year of the reign of King Charles the Second: and whereas very considerable establishments have lately been made in the said colony by fishermen from different parts of his Majesty's dominions, with a view to carry on the fishery upon the adjacent banks; in order therefore to remove such doubts as aforesaid, and for the encouragement of so valuable a branch of the commerce of his Majesty's subjects, which was one principal object of the settlement of this colony, and of the encouragement given by parliament for the support of such settlement, May it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, one thousand seven hundred and sixty two, it shall and may be lawful to and for any of his Majesty's subjects to carry and import salt from any part of Europe into the colony of Nova Scotia in America, in British ships and vessels, manned and navigated according to the act of parliament made in the twelfth year of the reign of King Charles the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*; and in the same manner as salt may be imported from Europe into New England and Newfoundland, by an act made in the fifteenth year of the reign of

Preamble.

From and after  
1 July, 1762,  
salt may be  
imported by  
his Majesty's  
subjects from  
any part of  
Europe into  
Nova Scotia  
in British  
ships, navigated  
according to  
act 12 Car. II.  
and in like  
manner as  
salt may be  
the



Imported from the said King Charles the Second, intituled, *An act for the encouragement of trade; in law, statute, usage, or custom to the contrary in any wise notwithstanding.*

etc.

## CAP. XXV.

*An act for naturalizing such foreign protestants as have served, or shall serve for the time therein mentioned, as officers or soldiers in his Majesty's royal American regiment, or as engineers in America.*

Preamble,  
reciting acts  
13 Geo. II,

and 29 Geo. II.

Foreign protestants serving in the royal American regiment, or as engineers in America, for the space of 2 years, and qualifying themselves as the act 1 Geo. I. directs,

WHEREAS by an act made in the thirteenth year of the reign of his late Majesty King George the Second, intituled, "*An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in America;*" all persons born out of the allegiance of his Majesty, his heirs, and successors, who shall have inhabited and resided, or shall inhabit or reside, for the space of seven years, or more, in any of his Majesty's colonies in America, or shall not have been absent out of the said colonies, for a longer space than two months at any one time during the said seven years, are, upon the conditions prescribed by the said act, naturalized and made partakers of all the benefits and privileges which the natural-born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and whereas commissions have been granted to a certain number of foreign protestants in America, in pursuance of a power given by a subsequent act of the twenty ninth year of the reign of his late Majesty King George the second, intituled, "*An act to enable his Majesty to grant commissions to a certain number of foreign protestants, who have served aboard as officers or engineers, to act and rank as officers or engineers in America only, under certain restrictions and qualifications;*" which said officers have been very useful to his Majesty's service, by the raising of a great number of men, and training them to discipline as soldiers: and whereas several of the said officers, since the passing of the above recited acts, have purchased estates in America, by which, as well as by their faithful services, they have given the strongest assurances of their attachment and fidelity to his Majesty's government: and whereas it is just to reward the past services of the said officers and soldiers, and to give encouragement for their future good conduct; and it is likewise expedient to add inducements to such foreign protestants as have settled, or may hereafter settle, in America, to engage in his Majesty's service; he it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all such foreign protestants, as well officers as soldiers, who have served, or shall hereafter serve, in the royal American regiment, or as engineers in America, for the space of two years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his Majesty King George the First, intituled, *An act for the further security of his Majesty's*

*Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors; and shall, at the time of subscribing the said oaths, and making, repeating, and subscribing the said declaration, produce certificates, signed in manner directed by the above recited act of the thirteenth of his late Majesty, of their having received the sacrament in some protestant and reformed congregation within the kingdom of Great Britain, or within some of the said colonies in America, within six months before that time, shall be deemed, adjudged, and taken to be, his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every of them, had been or were born within this kingdom; and that no estates, of what nature or kind soever, purchased by them, or any of them, in any of his Majesty's colonies in America, since the passing of the above recited act of the twenty ninth year of the reign of his said late Majesty, shall be liable to seizure into the hands of his Majesty, his heirs, or successors, or their titles thereto be otherwise impeached by reason of their having been aliens at the time of their making the said purchases; the above recited acts, or any other statute, law, or thing whatsoever to the contrary notwithstanding.*

and producing certificates of their having received the sacrament in some protestant church, to be deemed natural-born subjects; and a purchase made by them since the passing act 29 Geo. II. declared to be valid.

II. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to naturalize any person or persons whatsoever, who, by virtue of an act made in the fourth year of the reign of his late Majesty King George the First (intituled, *An act to explain a clause in an act made in the seventh year of the reign of her late Majesty Queen Anne, for naturalizing foreign protestants, which relates to the children of natural-born subjects of the crown of England, or of Great Britain*) are declared and enacted not to be intituled to the benefit of the said act of the seventh year of her said Majesty's reign; but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in if this act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

None are to be deemed naturalized by this act, who, by act 4 Geo. I. are declared not to be intituled to the benefit of the act of 7 Anne.

III. Provided also, and be it further enacted, That no person who shall become a natural-born subject of this kingdom by virtue of this act, shall be thereby enabled to be of the privy council, or a member of either house of parliament, or to be capable of taking, having, or enjoying, any office or place of trust within the kingdoms of *Great Britain or Ireland*, either civil or military; or of having, accepting, or taking any grant from the crown to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

Persons naturalized by this act, not thereby capable of being privy counsellors, or members of either house of parliament, or of holding offices of trust in Great Britain or Ireland.

## CAP. XXVI.

*An act for allowing further time for inrollments of deeds and wills made by papists; and for relief of protestant purchasers.*

**P**REAMBLE reciting the acts 3 Geo. I. — 10 Geo. I. — and 3, 6, 9, 11, 12, 16, 19 Geo. II. 26 Geo. II. 28 Geo. II. — 31 Geo. II. and 33 Geo. II. further time given for inrolling deeds and wills of papists, till 25th December, 1762. — No deed, will, or lease, made good hereby, whereof advantage has been taken of the non-inrollment thereof, before 25th December, 1761. — Purchases made by protestants shall stand good, if no advantage has been taken for non-inrollment. — No grant, lease, or mortgage, of the advowson, or right of presentation to a living, &c. made by any papist in trust, &c. to be hereby deemed good.

## CAP. XXVII.

*An act for enabling the judges of the court of session in Scotland to make an adjournment of the said court for such time, betwixt the twentieth day of December and the fifteenth day of January, yearly, as they shall judge most convenient, not exceeding twenty days.*

## CAP. XXVIII.

*An act to prevent the committing of thefts and frauds by persons navigating bum boats, and other boats, upon the river Thames.*

**Preamble.**

**W**HEREAS many ill-disposed persons, using and navigating upon the river Thames certain boats commonly called bum boats, and other vessels, under pretence of selling liquors of different sorts; and also slops, tobacco, brooms, fruit, greens, gingerbread, and other such-like ware and things, to and amongst the seamen and labourers employed in and about ships, vessels, and other craft there, do frequently take occasion to cut, damage, and spoil the cordage, cables, buoys, and buoy ropes, and the headstays and other parts belonging to such ships, vessels, and craft, and fraudulently carry away the same; likewise encourage such seamen and labourers to dispose of such cordage, cables, and buoys, and such goods, merchandizes, materials, and stores, secretly and unlawfully, whereby great losses are sustained by merchants, and owners of such ships, vessels, and other craft, in the said river: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and sixty two, if any person or persons shall use, lett out to hire, lend, or navigate, or shall be aiding or assisting in using or navigating upon the said river, any bum boat, or other boat, for the purpose of selling, bartering, exchanging, or exposing to sale, to and amongst the seamen and labourers employed in and about ships, vessels, and other craft, any liquors, slops, tobacco,

From and after the 24 June, 1762, persons using, letting out to hire, loading, or navigating, &c. bum boats, or other boats,

co, brooms, or any fruit, greens, gingerbread, or other such-like ware; or shall sell, barter, exchange, or expose to sale as aforesaid, any sort of liquor, or any slops, tobacco, brooms, or any fruit, greens, gingerbread, or other such-like ware or things in, from, or out of, any bum boat, or other boat (other than and except such bum boats and other boats and vessels, as shall be entered in the office of the master, wardens, and assistants of the guild, fraternity, or brotherhood, of the most glorious and undivided *Trinity*, and of *Saint Clement* in the parish of *Deptford Strand* in the county of *Kent*, in manner herein after mentioned, and shall be used and navigated for the purposes aforesaid, in the day-time, between sun-rising and sun-setting only) or if any person or persons shall take in exchange, or by way of barter, or shall unlawfully receive, or procure to be delivered to them, any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or loading of any ships or vessels in the said river, all and every such person or persons respectively shall, upon conviction thereof before any justice or justices of the peace of and within any county, city, division, liberty, or place adjoining to the said river, upon the oath of one or more credible person or persons, be deemed guilty of a misdemeanor; and it shall and may be lawful for any person or persons to apprehend and detain all persons then on board such boat, and also to seize, search, and detain, in some place of safety, such boat, and the tackle, apparel, and furniture, and loading thereof; and the person and persons so apprehended shall be (as soon as conveniently may be) conveyed before such justice or justices of the peace as aforesaid; and such boat, with the said tackle, apparel, furniture, and loading thereof, shall, upon such conviction as aforesaid, be forfeited and disposed of as is herein after mentioned.

sons conveyed before a justice; and the boat, with her furniture and such conviction shall be forfeited.

II. And be it enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty two, every bum boat, or other boat whatsoever, used and navigated for the purposes aforesaid, upon the said river between *London Bridge* and the *Lower Hope Point*, shall be entered by the owner or owners thereof with the master, wardens, and assistants at their office at the *Trinity house*, in *Water Lane*, *London*, specifying the name or names, and place or places of abode of such owner or owners; to the intent that the said master, wardens, and assistants may register every such entry, and deliver in writing to such owner or owners a number to be marked on one or more part or parts of every such bum boat, or other boat; and every such owner or owners shall cause the number so delivered to be forthwith marked, together with his, her, or their christian and surname or names, and place or places of abode, upon such part or parts of the said boat so entered as aforesaid, in such manner as the said master, wardens, and assistants shall, from time to time, direct

on the river, for the purpose of selling liquors, slops, tobacco, brooms, gingerbread, or garden ware, &c.

except such boats as shall be entered at the office of the *Trinity house*, &c. and persons taking in exchange, or by way of barter, or unlawfully receiving, &c. any ropes, cordage, goods, stores, or merchandize, of vessels in the river; being convicted before a justice shall be deemed guilty of a misdemeanor; and the boat, with those on board, may be seized and searched, and the per-lading, upon

Bum boats, and others, used upon the river for the purposes aforesaid, are to be entered by the owners at the office of the *Trinity house* in *Water Lane*, and a number thereupon is to be given them, to be marked, with their christian and surname and place of abode, on

the said boat, an appoint, in pursuance of the authorities and directions herein after given for that purpose.

III. Provided also, That every time, and so often as the property of any such bum boat, or other boat, shall be varied or altered, the new owner or owners shall forthwith make a fresh entry of the same, and cause the number delivered in pursuance thereof to be marked on the said boat, together with his, her, or their christian and surname or names, and place or places of abode, upon such part or parts of the said boat, and in like manner as is herein before directed, at the first entering of any such boat.

shall be altered.

The said company is to receive and register all such entries, and deliver out numbers to be marked on the boats, upon being paid 5s. for the same; and they are to make orders, &c. for ascertaining the manner in which the number and the names and abode of the owners, are to be marked on the boat, and on what part thereof the same shall be done, and how renewed, and kept legible; which after publication in

IV. And be it further enacted, That the said master, wardens, and assistants, shall, and they are hereby impowered and required, to receive and register every such entry in a book or roll to be provided and kept for that purpose, and to deliver out a number, in writing, to such owner or owners, to be marked on one or more part or parts of such boat, in such manner as shall be directed and appointed in pursuance of this act; for the registering which entry, and delivering out such number, the sum of five shillings shall be paid, and no more; and the said master, wardens, and assistants, are hereby authorized and impowered to take and receive the same, and, from time to time, to make such orders, rules, and regulations, as they shall think requisite and proper, for the ascertaining the part or parts of such boat on which the said number, and the names and place or places of abode of the owner or owners thereof, shall be marked, and in what manner, and of what dimensions the figure or figures and letters, composing such number, and names and place or places of abode, shall be made, and how the same shall be, from time to time, renewed, and kept fair and legible; and that all such orders, rules, and regulations, after one publication thereof in the *London gazette*, and printed copies of the same being affixed at *St. Martin's Lane, the Hermitage, Execution Dock, Shakspeare Dock, Rotherhithe Old Stairs, Deptford, Radcliffe Cress, and Blackwall*, shall be observed by, and binding upon, every owner and owners of such boats so entered as aforesaid.

the *London gazette*, and copies thereof affixed at the proper places, shall be observed by the owners of such boats.

The master and wardens of the said company, or persons deputed by them, also all owners or masters of vessels in the river, or persons au-

V. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said master, wardens, and assistants, or such person or persons as they shall from time to time depute and appoint under the seal of their corporation, and for all owners or masters of ships or vessels, either in whole or in part, in the said river respectively, or for such person and persons as the said owners and masters, or any seven or more of them, by writing under their hands and seals, shall, for that purpose, nominate, depute, and appoint (and which it shall be lawful for them, from time to time, to do) at any time or times from and

And after the twelfth or fourteenth day of June, one thousand seven hundred and sixty two, to stop, search, and detain, in some place of safety, any boat, which there shall be reason to suspect has any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or lading, stolen, or unlawfully procured, from or out of any ship or vessel in the said river; and also to apprehend and detain, or cause to be apprehended and detained, any person or persons who may be reasonably suspected of having or conveying any such goods, stores, or things, in such boat; and such person or persons so apprehended, shall be (as soon as conveniently may be) conveyed before one or more justice or justices of the peace for any county, city, division, liberty, or place, adjoining to the said river: and if such person or persons shall not produce the party or parties, from whom he, she, or they, bought or received such merchandizes, goods, stores, or things, aforesaid, or some credible person to depose, upon oath, the sale or delivery thereof, or shall not give an account to the satisfaction of such justice or justices, how he, she, or they, came by the same; that then the said person or persons so apprehended shall be deemed and adjudged guilty of a misdemeanor; and such boat, with her tackle, apparel, furniture, and loading, shall, upon such conviction, be forfeited and disposed of as is herein after directed. guilty of a misdemeanor; and the boat and loading, &c. shall be forfeited.

VI. And be it further enacted by the authority aforesaid, That every constable, headborough, and headle, and every watchman (during such time as he shall be on duty) of every parish and place where he shall be an officer, shall and may apprehend and detain, or cause to be apprehended and detained, all and every person and persons, who may reasonably be suspected of having or carrying, or any ways conveying, any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or lading, stolen or unlawfully procured from or out of any ship or vessel in the said river *Thames*, and also shall and may seize and detain in some place of safety such merchandizes, goods, stores, and things aforesaid, and shall, as soon as conveniently may be, convey, or cause the person or persons so apprehended to be conveyed before any one or more justice or justices of the peace, for any county, city, division, liberty, or place, adjoining to the said river; and if such person or persons shall not produce the party or parties from whom he, she, or they, bought or received the same, or some credible person, to depose upon oath the sale or delivery thereof, or shall not give an account, to the satisfaction of such justice or justices, how he, she, or they, came by the same, that then the said person and persons so apprehended shall be deemed and adjudged guilty of a misdemeanor.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace, upon information made to him on oath, by any credible person or

the concealment of stolen goods or merchandizes, may grant a search warrant; and the goods thereupon found, are to be secured; and the persons of the house, &c. are to be brought before a justice: and they, not giving a satisfactory account how they came by the same, shall be adjudged guilty of a misdemeanor.

Where persons shall be convicted of either of the last-mentioned misdemeanors, the justice may cause the goods to be deposited with the churchwardens, &c. who are to advertise the same, if within the bills of mortality; and if not, notice is to be given by the public crier, and also affixed on the church or chapel door, that the owners may come and make their claim, within 30 days; and they proving their property therein,

persons, that there is cause to suspect that any merchandizes, goods, stores, or things (suspected to have been stolen or unlawfully come by, or taken from some ship or vessel in the said river) are concealed in any dwelling house, warehouse, outhouse, yard, garden, or other place, by warrant under his hand and seal, to cause every such dwelling-house, warehouse, outhouse, yard, garden, and place, to be searched in the day time: and if any such merchandizes, goods, stores, or things, shall be found therein, to cause the same to be deposited and kept in some place of safety; and also to cause the person or persons in whose house, warehouse, outhouse, yard, garden, or other place, the same shall be found, to be brought before him, or any other justice or justices of the peace for the same county, city, division, liberty or place; and if such person or persons shall not give an account to the satisfaction of such justice or justices, how he, she, or they, came by the same, or shall not within some reasonable and convenient time, to be set by such justice or justices, produce the party or parties of or from whom he, she, or they, bought or received the same merchandizes, goods, stores, or things, that then the person or persons in whose house, warehouse, outhouse, yard, garden, or other place, the same shall be found, shall be deemed and adjudged guilty of a misdemeanor.

VIII. And be it enacted by the authority aforesaid, That upon any person or persons being convicted of either of the said last-mentioned misdemeanors, it shall and may be lawful for such justice or justices, before whom such person or persons was or were convicted, to cause such merchandizes, goods, stores, or things, to be deposited in the custody of the churchwardens or overseers of the poor of the place where they shall have been so first deposited as aforesaid (who are hereby required to receive the same) or in any other convenient place, for any time not exceeding thirty days; and to order such churchwardens and overseers of the poor, or one of them, if the same shall happen to be in any of the parishes or places within the bills of mortality, to insert immediately an advertisement in some publick news paper; and if the same shall happen to be in any other parish or place, to cause notice to be immediately given by some publick crier, and by affixing on the church or chapel door, a notice in writing, describing such merchandizes, goods, stores, or things, and where the same shall have been so deposited, to the end that persons having lost any such, or any reputable person on their behalf, may come and claim the same, within thirty days from the time of giving and affixing such notice as aforesaid; and in case any person or persons do or shall, within the space of such thirty days, prove his, her, or their property in and to the said merchandizes, goods, stores, or things, upon oath, to the satisfaction of one or more justice or justices as aforesaid, that then such justice or justices shall order restitution of such merchandizes, goods, stores, or things, to be made to the owner or owners thereof, after paying the reasonable charges

ges of seizing, removing, depositing, and giving publick notice as aforesaid, and also reasonable compensations to the person or persons giving such information as aforesaid; such charges and compensations to be settled and ascertained by such justice or justices: but if at the end of the said thirty days (notice having been given as aforesaid) no such proof shall be made as aforesaid, the said merchandizes, goods, stores, or things, shall be sold by the churchwardens or overseers, in whose custody the same shall have been deposited as aforesaid, for the best price that can reasonably be had; and after deducting the charges so settled as aforesaid, the remainder of the money arising from such sale shall be given, one moiety thereof to the person or persons so apprehending or giving information as aforesaid (as the case shall be) of the party or parties guilty of the misdemeanors as aforesaid, or either of them, and the other moiety to the poor of the parish or place where such merchandizes, goods, stores, or things, shall have been so first deposited as aforesaid. deducting the charges aforesaid, is to go, one moiety to the informer, and the other to the poor of the parish.

IX. And be it further enacted by the authority aforesaid, That every person to whom any goods, stores, or things belonging to ships or vessels shall be brought and offered to be sold, pawned, or delivered, shall, and he or she is hereby empowered and required (there being reasonable cause to suspect that such merchandizes, goods, stores, or things were stolen, or unlawfully come by, from or out of any ship or vessel in the said river) to apprehend, secure, and carry before a justice of the peace for the county, city, division, liberty, or place, where the same shall be so brought or offered, the person or persons so bringing or offering the same, and in the mean time secure such merchandizes, goods, stores, or things; and such person or persons so apprehended shall be dealt with, and such merchandizes, goods, stores, or things, shall be deposited and disposed of in the same manner as if he, she, or they had been apprehended by the constable, headborough, beadle, or watchman as aforesaid. as if they had been apprehended by the constable, &c.

X. And be it further enacted, That every person deemed and adjudged guilty of any of the misdemeanors aforesaid, shall, for every such misdemeanor forfeit, for the first offence the sum of forty shillings; for the second offence the sum of four pounds, and for every subsequent offence the sum of four pounds; all which said respective forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him, her, or them the overplus, after charges of the said distress and sale deducted) by warrant under the hand and seal, or hands and seals, of any one or more of such justice or justices before whom such offender was convicted; which forfeiture shall be paid, one moiety thereof to the person apprehending such offender or offenders, or giving information as aforesaid, the case shall be, and the other moiety thereof to the said magistrate, informer,

the justice shall order restitution thereof, upon their paying reasonable charges, and compensation to the persons giving information; but if no such proof be made, the goods, &c. shall be sold by the churchwardens; and the money, after deducting the charges aforesaid, is to go, one moiety to the informer, and the other to the poor of the parish. Persons to whom any stores or ship goods, &c. suspected to be stolen, &c. shall be offered to be sold, pawned, or delivered, may stop the same, and carry the parties before a justice; and the goods shall be deposited and disposed of; and the parties dealt with. Persons adjudged guilty of any of the misdemeanors aforesaid, forfeit for the first offence 40s. and for the second and every subsequent offence 4l. to be levied by distress and sale; one moiety to go to the apprehender or informer,



and the other to the master and wardens of the *Trinity House* for the use of their poor; and for want or distress, the offender to be committed, for the 1st offence one month; for the 2d two months; and for every other offence, till discharged by order of the court of sessions. Convictions to be certified to the next quarter sessions, and filed there.

ster, wardens, and assistants of the said corporation, to be distributed among the poor decayed seamen and their widows, under the care of the said corporation; and if the said respective forfeitures shall not be paid, nor sufficient distress shall be found whereon to levy the same, then the said justice or justices shall and may commit every such offender so convicted as aforesaid to the common gaol or other prison or house of correction within his or their jurisdiction, without bail or mainprize, for the space of one month for the first offence, and for the second offence for the space of two months, and for every subsequent offence, until such offender shall be discharged by order of the court of general or quarter sessions.

XI. And be it further enacted, That every conviction of any offender in any of the said misdemeanors shall be certified by the justice or justices of the peace making the same, to the next general or quarter session of the peace, to be filed and entered amongst the records of the said session; and that such conviction shall and may be drawn up on parchment, and certified as follows (that is to say)

Form of conviction.

Middlesex, { **B**E it remembered, That on the *Day of*  
to wit, { in the year *A. B. was*  
convicted before { of the justices of the peace for the  
county, city, division, liberty, or place aforesaid (as the case shall be)  
of a misdemeanor in one or more of the instances before mentioned, specifying the same particularly in the words by which the same is or are described in and by this act, or in any other form of words to the like effect.

Given under hand and seal the day and year aforesaid.

Conviction not to be quashed for want of form; nor removable by *Certiorari*.

Which said conviction, in the same or the like form of words, shall be good and effectual in law, to all intents and purposes, and shall not be quashed, set aside, or be adjudged void or insufficient for want of any other form or words whatsoever; nor be liable to be removed by *Certiorari* into his Majesty's court of *King's Bench*, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

Persons convicted of knowingly buying or receiving stolen goods from vessels in the river; or of privately buying or receiving at any time any such goods clandestinely,

XII. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty two, every person who shall buy or receive any part of the cargo or loading of, or any goods, stores, or things, of or belonging to, any ship or vessel in the said river, knowing the same to be stolen or unlawfully come by; or shall privately buy or receive any such goods, stores, or things, or any part of such cargo or loading, by suffering any door, window, or shutter to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same, or any of them, at any time, in any clandestine manner, from any person or persons whomsoever, shall, being thereof convicted by due course of law (although the principal felon or felons, offender or offenders, has or have not been convicted of stealing or unlawfully procuring the

the same) be transported for fourteen years to any of his Majesty's colonies or plantations in *America*, according to the laws in force for the transportation of felons. or by suffering any door, window, or shutter at night to be left open or unfastened for that purpose; shall be transported for 4 years.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons shall cut, damage, or spoil, any cordage, cable, buoys, buoy-rope, head-fast, or other fast, fixed to any anchor or moorings belonging to any ship or vessel at anchor or moorings in the river *Thames*, or any rope used for the purpose of mooring or rafting masts or timber, or shall be aiding or assisting therein, with an intent to steal the same; such person or persons shall, being convicted thereof on the oath of two or more credible witnesses, be transported to some of his Majesty's plantations in *America* for the space of seven years, according to the laws now in force for the transportation of felons. Persons convicted of cutting or spoiling any cordage, cable, buoys, buoy-ropes, head-fast, or other fast, or ropes of vessels, at anchor or moorings, in the river, with intent to steal the same, shall be transported, together with their aiders therein, for seven years.

XIV. And be it further enacted by the authority aforesaid, That if any person being out of prison, shall, after the twenty fourth day of *June*, one thousand seven hundred and sixty two, by stealing, or unlawfully receiving, any part of any cargo or lading of, or any goods, stores, or things belonging to, or out of, or from, any ship or vessel in the said river, and shall afterwards discover two or more persons who shall have bought or received any stolen or unlawfully procured goods, stores, or things, or any part of any cargo or lading of, or belonging to, or by, from or out of, any ship or vessel in the said river, after the twenty fourth day of *June*, one thousand seven hundred and sixty two, knowing the same to be stolen or unlawfully procured, so as two or more of the persons discovered shall be convicted of such buying or receiving; every person so discovering, shall have and be intitled to the gracious pardon of his Majesty, his heirs and successors, for all such felonies by him or her committed at any time or times before such discovery made; which pardon shall be likewise a bar to any appeal brought for such felony. Any person out of prison concerned in stealing or unlawfully receiving goods or merchandise from any vessel in the river, who shall discover and convict two others of the like offence, shall be intitled to his Majesty's pardon.

XV. And be it enacted by the authority aforesaid, That if after the publication of any such orders, rules, and regulations, by the said master, wardens, and assistants, any person or persons shall row or navigate, within the limits aforesaid, any such boat as is herein before directed to be entered, marked, and numbered, not being so entered, marked and numbered, as aforesaid; or having a false mark or number, or not having the real name or names, and places of abode of the owner or owners of such boat inscribed thereon, or not having such names and figures kept fair and legible, in such manner as shall have been directed and required, from time to time, by such orders, rules, and regulations; in each of the cases aforesaid, every such person, being thereof convicted before one or more justice or justices of the peace of any county, city, division, liberty, or place, near or adjoining to the said river, upon

One moiety to the informer, and the other to the Trinity company for the use of their poor. Upon discovery of such offence, the boat and tackle, &c. may be seized, and within 48 hours after information is to be given to a justice, who is to hear and determine thereupon. If the forfeiture be not paid within 24 hours, the same shall be raised by sale of the boat, &c. by warrant of the justice.

Upon complaint to the master and wardens of the company, of any thefts or illegal practices being carried on in any boat, or suspected to be carried on, they may summon the owner to appear, and inquire into such complaint in a summary way; and, on conviction, may take away his number, and refuse to enter any boat of his for the future.

Where, on conviction,

on his or her own confession, or the oath of one or more credible person or persons, shall, for every such offence, forfeit and pay the sum of forty shillings; one moiety whereof to be paid to the person or persons who shall give information of, and prosecute to conviction, such offender or offenders as aforesaid, and the other moiety to the said master, wardens, and assistants of the said corporation, to be applied by them as aforesaid: and it shall and may be lawful for any person or persons, upon discovery of any such offence or offences, to seize and detain any such boat, with all the tackle, apparel, and furniture thereunto belonging; and shall thereupon, within the space of forty eight hours after such seizure made, give information thereof, and of the nature of the offence, to any one or more justice or justices of the peace as aforesaid, who shall proceed to hear, and shall determine, as soon as conveniently may be, upon such information; and if such forfeiture shall not be paid within the space of twenty four hours after conviction, then the same shall be raised by sale of the said boat, and her tackle and appurtenances; and every justice of the peace, within his jurisdiction, is hereby authorized and required to issue his warrant under his hand and seal, directed to the constable, or some other peace officer of the parish or place in which such boat, so seized as aforesaid, shall be detained, to cause sale to be made thereof, and all her tackle and appurtenances, with all convenient speed, for raising the money forfeited for the said offence as aforesaid, rendering to the offender or offenders the overplus (if any there shall be) after deducting the charges of detaining and selling such boat.

XVI. And be it further enacted by the authority aforesaid, That the said master, wardens, and assistants, shall and may, and they are hereby authorized and required, on any complaint to be made to them by any credible person or persons, of any thefts, robberies, frauds, or other illegal practices being carried on, or reasonably suspected to be carried on, in any boat so to be numbered and marked as aforesaid, to summon the owner or owners thereof to appear before them, or any five or more of them, at the *Trinity House* in *Water Lane*, or other usual place of meeting appointed or to be appointed, at such time as they shall appoint; at which time and place the said master, wardens, and assistants, or any five or more of them, shall inquire into the said complaint in a summary way; and in case the said complaint shall be proved to their satisfaction, and they shall so think fit, they the said master, wardens, and assistants, or any five or more of them, being a majority of the members then present, may thereupon take away and totally abolish the said number so given to the said boat as aforesaid; and also may, for the future, refuse to enter, as before directed, any boat of or belonging to such owner or owners; any thing herein before contained to the contrary notwithstanding.

XVII. And be it enacted by the authority aforesaid, That where any person or persons shall be convicted of any offence against

gainst this act, by which is incurred the forfeiture of any boat, with her tackle and appurtenances, and concerning which, after such conviction, no provision is hereby made, it shall and may be lawful to and for such justice or justices of the peace, before whom such conviction shall be had, or any other justice or justices of the peace of and for any county, city, division, liberty, or place, adjoining to the said river *Thames*, on conviction had, and they are hereby respectively authorized and required, to cause such boat with her tackle and appurtenances, to be totally burnt and destroyed, within six days next after such conviction as aforesaid, by warrant under the hand and seal, or hands and seals of such justice or justices, directed to the constable or other peace officer of the parish or place adjoining to the said river, or where such conviction shall be had; which said constable, or other peace officer, shall thereupon cause such boat, tackle, and appurtenances, to be so burnt and destroyed, within the time aforesaid.

the forfeiture of a boat, &c. is incurred, and no further provision made concerning the same, the justice by his warrant, may order the same to be burnt within 6 days.

XVIII. And be it enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, by the authority of this act, and without any other warrant, to apprehend any offender or offenders committing any of the offences herein before mentioned, and intended by this act to be redressed, and, with all convenient speed, to convey or deliver every such offender or offenders to a constable or some other peace officer of the county, city, division, liberty, or place, in or near to which the offence shall be committed, or the offender or offenders shall be apprehended, in order to be conveyed before some justice of the peace of such county, city, liberty, or place, there to be dealt with according to law.

Any persons may apprehend an offender,

and deliver him over to a constable,

to be carried before a justice.

XIX. And be it enacted by the authority aforesaid, That in case any person or persons acting in the execution of any of the powers granted by this act, shall be obstructed therein, every person so obstructing, and all such as shall act in their assistance, shall, on being thereof convicted before the justices of the peace, at the general or quarter session of the county or city adjoining to the said river, upon the oath of two or more credible persons, be transported to any of his Majesty's plantations in *America*, for the space of seven years according to the law or laws now in force for the transportation of felons.

Persons obstructing the execution of this act, being convicted at the quarter sessions, shall be transported for 7 years.

XX. And be it further enacted by the authority aforesaid, That in all actions, suits, trials, and other proceedings, which shall or may be had in pursuance of this act, or in relation to any matter or thing herein contained, any member of the said corporation, or any inhabitant of the parish, town, or place, in which any offence shall be committed, contrary to the true intent and meaning of this act, or wherein any conviction shall be made pursuant hereto, shall be admitted to give evidence, and shall be deemed a competent witness, notwithstanding his being such member of the said corporation, or his or her being such inhabitant as aforesaid.

Any member of the corporation, or inhabitant of the place, where the offence is committed, may be admitted to give evidence.

Justices to administer oaths *gratis*.

XXI. And be it also enacted by the authority aforesaid, That in all cases where an oath is by this act directed to be taken by any person or persons, it shall and may be lawful for any one or more justice or justices of the peace within the county, city, division, liberty, or place where the matter to be sworn to shall arise, and he and they is and are respectively hereby authorized and required to administer the same, without fee or reward.

Limitation of actions.

XXII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced or brought against any justice or justices of the peace, or the said master, wardens, and assistants, or any of them, or other officer or person whatsoever, acting in the execution of any of the powers in them hereby vested, for doing, or causing to be done, any thing in pursuance of this act, concerning any of the said offences, the same shall be laid in the county of *Middlesex* or city of *London*, and not elsewhere; and shall be commenced within six months next after such cause of action accrued; and the defendant or defendants therein may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, or that such action or suit was brought after the time before limited, or in any other place; that then the jury shall find for the defendant or defendants; and if upon such action a verdict shall be given for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, then the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any case by law.

General issue.

Treble costs.

Publick act.

XXII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a public act: and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without the same being specially pleaded.

## CAP. XXIX.

*An act to amend so much of an act made in the first year of the reign of King James the first, intituled, An act for the better execution of the intent and meaning of former statutes made against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with hare pipes, and tracing hares in the snow; as relates to the preservation of house doves and pigeons, by making the manner*

manner of convicting such person or persons as shall offend therein, more easy and expeditious.

**W**HEREAS by an act made in the first year of the reign of his Majesty King James the First intituled, "An act for the better execution of the intent and meaning of former statutes made against shooting in guns, and for the preservation of the game of pheasants and partridges, and against the destroying of hares with hare pipes, and tracing hares in the snow"; it is amongst other things therein enacted, That all and every person and persons who shall kill or destroy any house dove or pidgeon, and shall be thereof convicted by the confession of the party, or by the testimony of two sufficient witnesses, upon oath before two or more justices of the peace, of the county, city, or town, corporate, wherein the offence shall be committed, or the parties apprehended, such justices shall commit every such offender so apprehended, to the common goal of the said county, city, or town corporate, where the offence shall be committed, or the party apprehended, there to remain for three months without bail or mainprize, unless that the said offender do or shall forthwith upon the said conviction pay, or cause to be paid, to the churchwardens of the said parish where the said offence shall be committed, or the party apprehended, to the use of the poor of the said parish, the sum of twenty shillings for every house dove or pidgeon which every such person or persons, so offending and convicted as aforesaid, shall take, kill, or willingly destroy, contrary to the true purport and true meaning of that act; or after one month after his commitment, together with two sufficient sureties, become bound by recognizance in the sum of twenty pounds apiece, to the King's Majesty's use, his heirs, and successors, with condition that he the said party so offending, shall not at any time thereafter shoot at, kill, take, or destroy, any house dove or pidgeon, by any such means as in the said act are mentioned; which said recognizance shall be taken by any two or more justices of peace, of the said county, city, or town corporate, where the offender shall be so imprisoned as aforesaid, and shall be returned to the then next quarter sessions, and there to remain of record as other recognizances taken for the peace, as by the said in part recited act, relation for greater certainty being thereunto had, may more fully appear: and whereas the method of convicting offenders against the above recited act, hath hitherto been found, in a great degree, ineffectual, to answer the good intentions of the said act: therefore for more speedy convicting and punishing persons who shall be guilty of the said mischievous practice of wilfully killing or destroying house doves or pidgeons, belonging to other persons; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That after the twenty fourth day of June, one thousand seven hundred and sixty two, if any person or persons shall shoot at, with an intent to kill, or shall by any means whatever, kill or take, with a wilful intent to destroy, any house dove or pidgeon, and shall be thereof convicted by the confession of the party offending, or the oath of one or more credible witnesses or witnesses, before

Preamble, re-  
citing clause  
in the act  
Jac. I.

After 24 June,  
1762, any per-  
son who shall  
wilfully shoot  
at, or destroy  
any house  
doves or pid-  
geons belong-  
ing to other  
persons,

shall forfeit, on conviction, 20s. to the prosecutor; and if not forthwith paid, he may be committed, and kept to hard labour for any time not exceeding 3, nor less than 1 Month, unless the forfeiture be sooner paid.

The owners of dove cotes, or other places built for the preservation or breeding of pigeons, and those appointed by them, excepted.

Offender is liable only to one conviction for the same offence; and prosecutions are to be commenced, and carried on with effect, within two months after the offence; and where

before one or more justice or justices of the peace of the county, city, town corporate, division, riding, or place (which oath such justice or justices are hereby authorized to administer) wherein any such offence or offences shall be committed, or the party or parties offending shall be apprehended, every person so offending, and who shall be convicted as aforesaid of any such offence, shall, for every such offence, forfeit and pay the sum of twenty shillings, to the person or persons who shall inform against, and prosecute to conviction, any such offender or offenders; and in case the money so forfeited shall not be forthwith paid on every such conviction, it shall and may be lawful for such justice or justices to commit any such offender or offenders, who shall be so convicted as aforesaid, to the common gaol of the county, or the house of correction in the division or place where the party is convicted or apprehended, there to remain and be kept to hard labour for any time not exceeding three calendar months, nor less than one calendar month, as any such justice or justices shall order, unless the money forfeited shall be sooner paid.

II. Provided always, and it is hereby also enacted, That nothing in this act contained shall be construed, deemed, or taken, to hinder any owner of a dove cote, pigeon house, pigeon chamber, or any other place, built up or erected, or to be built up or erected, for the preservation or breeding of pigeons, from taking, killing, or destroying, by himself, or any other person by him appointed or authorized for that purpose, all or any house doves, or pigeons, which shall at any time be taken in the proper dove cote, pigeon house, pigeon chamber, or any other place, as aforesaid, for the preservation or breeding of pigeons of any owner of such dove cote, pigeon house, pigeon chamber or other place.

III. Provided further, and it is hereby also enacted, That no person who shall be convicted of any offence against this act, shall be liable to be convicted for any such offence under any former or other act; and that no person shall be prosecuted for any offence against this act, unless the prosecution for the same shall be commenced and carried on with effect within the space of two calendar months after every such offence shall be committed; and that where any person shall suffer imprisonment for default of payment of any penalty imposed under this act, such person shall not be liable afterwards to pay such penalty.

persons suffer imprisonment, they are not liable afterwards to pay the penalty.

### CAP. XXX.

*An act for enlarging and improving the north east avenue of London Bridge.*

Preamble, reciting clause in act 29 Geo. II.

WHEREAS by an act made in the twenty ninth year of the reign of his late Majesty King George the Second, intituled, "An act to improve, widen, and enlarge, the passage over and through London Bridge," the mayor, aldermen, and commons, of the

*the city of London, in common council assembled, were impowered to make such purchases, and take down such houses, edifices, and buildings, standing or being on the said bridge, or contiguous or adjoining thereto, as they should judge necessary, for the enlargement and improvement of the passage over, and the avenues leading to and from, the said bridge: and whereas the said mayor, Aldermen, and commons, of the said city, have proceeded in the execution of the powers granted by the said act, and the passage over the said bridge is already, on the eastern side thereof, secured by a proper and uniform balustrade, which, in order to avoid the waterworks of London Bridge, and preserve, with regularity, the connexion of the passage of the said bridge with Fish-street hill, ranges northward upon the parish church of the united parishes of Saint Magnus and Saint Margaret New Fishstreet, London, at the north east avenue of the said bridge, almost in a line with the arch of the tower or steeple of the said church, which forms a spacious passage through the said tower from north to south: and whereas the good ends and purposes of the said act cannot be answered, unless the site or ground of the said parish church, on the north and south sides of the said tower, is, with the said passage through the same, laid into the north east avenue of the said bridge: but in regard the alteration aforesaid cannot be made without the authority of parliament, may it please your most excellent Majesty, that it may be enacted; and be it enacted &c. &c.*

*The ground on the North and South sides of the tower of St. Magnus church, New-fish street, with a passage through the tower from North to South, is vested in the city of London for the enlargement of the North East avenue of London bridge; and so much of the fabrick of the said church is to be taken down and removed, as shall be necessary for that purpose, and the city is thereupon to rebuild in a suitable manner the Western walls of the church, in a line with the East side of the said tower; and also all other works within the body of the church, and without, necessary to the safety and ornament of the tower; and all injuries occasioned thereby are to be repaired and made good. — The great Western doors of the church are to be removed and placed on the East side of the tower, and the same passage to be preserved for the public Western entrance into the church; and the ground laid into the North-East avenue of the bridge may be used as a cemetery; but the pavement broken up on that account is to be relaid by the church wardens. — The city is also to build a commodious vestry-room, and engine-house in the church yard. And the materials of such part of the fabrick as shall be taken down, are vested in the city; and what shall be found proper, may be employed in the works; and the rest is to be sold; and the money paid over to the church wardens for the sustentation of the said works, &c. — And the city is to pay, by way of compensation, 13*l.* per annum, chargeable on the Bridge-house estate, to be paid half yearly, viz. 5*l.* thereof to the rector; and 8*l.* to the church wardens for the sustentation of the said works, &c. to commence on 29th Sep. 1762. — charges of this act to be paid out of the money granted by parliament for improving the bridge. Powers, &c. in the recited act of 29 Geo. II. and 31 Geo. II. extended in all applicable cases to this act. Limitation of actions, general issue, treble costs, public act.*



## CAP. XXXI.

*An act for making perpetual an act for the better regulation and government of seamen in the merchants service; and for extending the provisions thereof to his Majesty's colonies in America.*

Preamble.

Act of 2 Geo. II which was continued by several subsequent acts, is made perpetual.

WHEREAS the law herein after mentioned, which hath by experience, been found useful and beneficial, is near expiring, may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the second year of his late Majesty's reign, intituled, "*An act for the better regulation and government of seamen in the merchants service,*" which was to be in force for five years, from the twenty fourth day of *June*, one thousand seven hundred and twenty nine, and from thence to the end of the then next session of parliament; and which act was, by an act made in the eighth year of the reign of his said late Majesty, further continued until the twenty fifth day of *March*, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament; and which act was, by an act made in the twenty third year of the reign of his said late Majesty, further continued until the twenty fifth day of *March*, one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament, is temporary, and near expiring; shall be, and is hereby, made perpetual.

From and after 1 May, 1764, all the provisions, penalties, matters, and things, in the said act of 2 Geo. II. are extended to his Majesty's colonies in America; and the forfeitures applicable to Greenwich hospital are to be paid there to the officer constituted by the admiralty; and masters of ships deducting any of the said forfeitures out of the seamen's wages, and not duly

II. And be it further enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty four, all the provisions, penalties, clauses, matters, and things, contained in the said act of the second year of his said late Majesty's reign, shall be, and the same are hereby, extended to all his Majesty's colonies in *America*; and that all penalties and forfeitures to be incurred by the said act, and directed to be applied to and for the use of *Greenwich hospital*, shall be paid to such officer or officers in the said colonies, as shall on that behalf be appointed by the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being: and in case any masters or commanders, or owners, of any ships or vessels shall deduct out of the wages of any seaman or mariner any of the penalties and forfeitures which, by the said act, are directed to be deducted and applied to and for the use of *Greenwich hospital*, and shall not pay the money so deducted to such officer or officers so to be appointed in the port or place in the said colonies where such deduction shall be made, within three months after such deduction, every person so neglecting to pay the money deducted as aforesaid, shall forfeit and pay the treble value thereof to the use of the said hospital; which, together with the money deducted

paying over the same, forfeit treble the value to the use of the said hospital,

year one thousand seven hundred and fifty seven; and also the sum of eighty thousand pounds, remaining in the receipt of the exchequer, which was granted to his late Majesty, in the year one thousand seven hundred and sixty, upon account, towards defraying the charge of pay and cloathing for the unembodied militia, for the year ended the twenty fifth day of *March*, one thousand seven hundred and sixty one; and also the sum of twenty thousand pounds, remaining in the receipt of the exchequer, which was granted to his Majesty in the last session of parliament, upon account, towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England*, when unembodied, and of the cloathing of the part of the said militia then unembodied, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty one; and also the sum of seventy three thousand six hundred and seventy eight pounds, remaining in the receipt of the exchequer, being the surplus of the several duties on malt, established by an act made in the thirty third year of the reign of his late Majesty, for paying annuities granted in the year one thousand seven hundred and sixty, after satisfying all charges and incumbrances thereupon, to the fifth day of *January*, one thousand seven hundred and sixty two, shall and may be, in like manner, issued and applied at the said receipt, for and towards the said supply.

III. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it advisable to raise the said sum of one million nine thousand two hundred seventeen pounds, two shillings, and eight pence halfpenny, or any part thereof, by loans or exchequer bills, in manner herein after-mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of one million nine thousand two hundred seventeen pounds, two shillings, and eight pence halfpenny, upon the credit of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, and to have and receive interest for the forbearance of the money lent, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the public service; and moreover that no money to be lent upon the security of this act, shall be rated or assessed to any tax or assessment whatsoever.

IV. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer,

80,000l. remaining unapplied of the money granted in the year 1760, towards pay and cloathing of bodied militia; and 70,000l. remaining also unapplied of the money granted in the year 1761, for the like purposes; and 73,678l. surplus in the exchequer of the duties on malt, to 5 Jan. 1762.

Clause of loan for raising the aforesaid sum of 1,009,217l. 2s. 8d. 2q.

Tallies of loan may be struck for the same.

Orders to be  
regist<sup>d</sup>  
paid in cour<sup>t</sup>.

No fee to be  
paid for regi-  
stering, &c.

Penalty of  
undue pre-  
ference;

shall immediately have a tally of loan struck out the same, and in order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent, shall be registered in course, according to the rates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or other revenues; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken of any of his Majesty's subjects, for providing or making of any such books or registers, or any entries, views, or searches, in or for payment of money lent, or the interest thereof, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party grieved, and shall be forejudged of his place or office; and if any such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and cost, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order, as before directed; then he or they shall be adjudged to forfeit, and the respective deputies and clerks, therein of-  
sending,

sending, to be liable to such action; debt, damages, and costs, in such manner as aforesaid: all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no stay, protection, privilege, wager of law, injunction, or other of restraint, shall be in any wise granted or allowed.

how to be recovered.

V. Provided always, and it is declared, That if it shall happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference, which of those be entered first, so as he enters them all the same day.

It shall be deemed no undue preference, where tallies are dated, or brought the same day:

VI. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course; so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Nor if subsequent orders be paid before such as were not demanded in course.

VII. And be it further enacted, That all and every person and persons to whom any money shall be due, for loans to be registered by virtue of this act, after order entered in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit, of such order, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and such assignee may, in like manner, assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any monies thereby due, or any part thereof.

Orders assignable *toties quoties*.

VIII. And to the end there may be no want or failure of a certain sum, not to exceed in the whole the said sum of one million nine hundred and two hundred seventeen pounds, two shillings, and eight pence-half-penny, to be raised, either by such loans as aforesaid, or by issuing exchequer bills, as is herein after-mentioned, or by both or either of these ways or means, for the public service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners

Commissioners of the treasury, if they shall think it more advisable to raise the said sum, or any part thereof, by exchequer bills, the

may make out  
any number  
of new ex-  
chequer bills  
in the same,

of the treasury for the time being, shall judge it more advisable, to raise the said sum of one million nine thousand two hundred seventeen pounds, two shillings, and eight pence halfpenny, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and empowered, at any time or times, to prepare and make, or cause to be prepared and made, at the exchequer, any number of new exchequer bills, for any sum or sums of money, not exceeding in the whole the said sum of one million nine thousand two hundred seventeen pounds, two shillings, and eight pence halfpenny, together with such loans aforesaid, in the same or like manner, form, or order, and according to the same or like rules and direction, as in and by a certain act of this present session of parliament, intituled, "*An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty two,*" are enacted and prescribed, concerning the exchequer bills to be made in pursuance of the said act.

in like man-  
ner and form  
as is prescrib-  
ed by the  
land tax of  
this session.

Clauses, &c. in  
the said act  
relating to ex-  
chequer bills,  
extended to  
those to be  
made out in  
pursuance of  
this act.

IX. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last-mentioned act, relating to the loans or exchequer bills, authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act) shall be applied and extended to the exchequer bills to be paid in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this present act.

The said bills,  
interest, pre-  
mium and  
charges,  
charged upon,  
and payable  
out of the  
sinking fund.

X. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund (except such monies of the said sinking fund, as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied as soon as the same can be regularly stated, and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The bank im-  
powered to

XI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company

company of the bank of England, to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money, not exceeding in the whole the sum of one million nine thousand and two hundred seventeen pounds, two shillings, and eight pence halfpenny; any thing in an act made in the fifth and sixth years of the reign of King William and Queen Mary, intituled "An act for granting to their Majestys several rates and duties upon the tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France," to the contrary thereof in any wise notwithstanding.

XII. And whereas the commons of Great Britain in parliament assembled did, in the last session of parliament, unanimously by a humble address to his Majesty, humbly beseech his Majesty, that he would be graciously pleased to confer some signal mark of his royal favour upon the right honourable Arthur Onslow esquire, then speaker of the house of commons, for his great and eminent services performed to his country, for the space of thirty three years and upwards, during which he had with such distinguished ability and integrity presided in the chair of that house, and assured his Majesty that whatever expence his Majesty should think proper to be incurred on that account, the said house would make good the same to his Majesty: and whereas his Majesty, in his answer to the said address, was graciously pleased to declare, that he had the most large of the long services and great merit of Mr. Onslow, and that his Majesty had already taken the same into his consideration, and that he would do therein what should appear to his Majesty to be most proper, agreeably to the desire of his faithful commons: and whereas by letters patent under the great seal of Great Britain, bearing date the twentieth day of April, in the first year of his Majesty's reign, his Majesty, in gracious compliance with the desire of the house of commons, expressed in the said address, did give and grant unto the said Arthur Onslow, in consideration of his great and eminent services performed to his country as aforesaid, and as a signal mark of his Majesty's royal favour, an annuity, or yearly sum of three thousand pounds, to be issuing and payable out of, and charged and chargeable upon, the respective monies and revenues therein after mentioned, to be held, received, and enjoyed, by the said Arthur Onslow, his executors, administrators, or assigns, for and during the natural lives of him the said Arthur Onslow, and of his son George Onslow esquire, and for and during the natural life of the longer liver of them; and to direct that the said annuity, or yearly sum of three thousand pounds, for so long time as his Majesty should continue in life, should be charged upon and paid out of any monies which from time to time, should be in the receipt of the exchequer, applicable to the uses of his Majesty's civil government, and that the said annuity or yearly sum should commence from the day of the date of the said letters patent: and whereas by virtue and in pursuance of the said letters patent, several payments have been made out of the monies applicable as aforesaid, to the said Arthur Onslow, amounting in the whole to the

sum of two thousand one hundred and thirty four pounds, twelve shillings and three pence halfpenny: and whereas his Majesty has been graciously pleased to signify to his parliament, that it not having been in his Majesty's power to extend the effect of the said grant beyond the term of his own life, his Majesty recommends it to his parliament to consider of a proper method of extending and securing the same, in the most effectual manner, for the benefit of the said Arthur Onslow: now we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in this present parliament assembled, being desirous to make good to your Majesty such expences as have been, and to provide for such as might be, incurred by your Majesty in consequence of the said grant, and to settle and secure, in the most beneficial manner, for the use of the said Arthur Onslow, the yearly sum of three thousand pounds, for and during the term herein after mentioned, agreeably to your Majesty's most gracious intentions, and as a testimony of the grateful and affectionate remembrance which your Majesty's faithful commons retain of the long continued and eminent services of the said Arthur Onslow, do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the authority aforesaid, That &c, &c,

2134l. 12s. 3d. 2q. to be issued out of the aggregate fund, to make good the like sum paid to Arthur Onslow esquire, on account of the annuity granted him by his Majesty, in pursuance of the address of the house of commons. — The said annuity charged, and payable for the future out of the aggregate fund; to commence on 5th Jan. 1762, and to be paid quarterly at the exchequer, viz. on 5th April, 5th July, 10th Oct. and 5th Jan. Annuity granted by patent to cease. — Treasury empowered to direct the auditor of the exchequer to make forth, &c. debentures for the said annuity as it shall become due without fee; the money to be paid thereupon, without further warrant. — Warrant, after being assigned, is not determinable nor revokable by the demise of his Majesty; or the death or removal of any officer of the treasury. — Officers of the treasury to do all acts necessary to render the said payment effectual without fee. — The receipt of Mr. Onslow, his executors, or assigns, &c. to be a sufficient discharge for such payment; and the said annuity to be free of all taxes. — Officers of the exchequer neglecting or refusing to pay the said annuity, or to do any act necessary thereto, may be sued.

#### C A P. XXXIV.

*An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for allowing time for the payment of the stamp duties omitted to be paid upon admissions into corporations or companies, and appointments to offices therein; and for the relief of William Earle, in respect of a quantity of white salt, lost by the wreck of a ship near the harbour of Dublin.*

Most Gracious Sovereign,

Preamble.

**W**E your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, having taken into our serious consideration your Majesty's most gracious message, signifying, That your Majesty, relying on the known zeal and affection of  
you.

your faithful commons, and considering that in this conjuncture emergencies may arise, which may be of the utmost importance, and be attended with the most pernicious consequences, if proper means should not immediately be applied to prevent or defeat them; and that your Majesty also, taking into your most serious consideration the imminent danger with which the kingdom of Portugal, an ancient and natural ally of your crown, is threatened by the powers now in open war with your Majesty, and of what importance the preservation of that kingdom is to the commercial interests of this country, is desirous, that we will enable your Majesty to defray any extraordinary expences of the war incurred, or to be incurred, for the service of the year one thousand seven hundred and sixty two; and to take all such measures as may be necessary to disappoint or defeat any enterprizes or designs of your enemies against your Majesty or your allies, and as the exigency of affairs may require, have resolved to give and grant to your Majesty the sum of one million for that purpose; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent Majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury now, or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and sixty three, to cause or direct any loans to be taken or received at his Majesty's exchequer from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding, in loans and exchequer bills together, in the whole, the said sum of one million, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain for the service of the year one thousand seven hundred and sixty two*, are enacted and prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

II. And be it further enacted by the authority aforesaid, That all and every the clauses, priviledges, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said last mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been origi-

Credit of loan granted to his Majesty for 1,000,000l.

Treasury may raise the same by loans or exchequer bills.

in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out.

The clauses, &c. in the said act relating to the loans or exchequer bills thereby to be made out,

extended to this act.



nally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated and re-enacted in the body of this act.

The same to be repaid out of the first supplies which shall be granted in the next session;

or out of the sinking fund, if no supplies shall be granted before 5 July, 1763.

Monies issued for that purpose out of the sinking fund, to be replaced.

The bank empowered to advance, on the said credit of loan, any sum or sums not exceeding 1,000,000 l.

the act 5 & 6 W. & M. notwithstanding.

III. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of July, one thousand seven hundred and sixty three, then all the said loans or exchequer bills, with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times at or after the said fifth day of July, one thousand seven hundred and sixty three, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

IV. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be to issued out of the said surplusses, excesses, overplus monies, or other revenues composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

V. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of *England*, to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of the loan granted by this act, any sum or sums or money not exceeding in the whole the sum of one million; any thing in an act made in the fifth and sixth years of the reign of King *William* and *Queen Mary*, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France*, to the contrary thereof in any wise notwithstanding.

VI. Pro-

VI. Provided always, and it is hereby enacted by the author- The monies  
 aforesaid, That all the monies coming into the exchequer, arising by the  
 by loans or exchequer bills, upon one act of this session land tax,  
 parliament, intituled, *An act for granting an aid to his Majesty*  
*a land tax to be raised in Great Britain, for the service of the*  
*year one thousand seven hundred and sixty two; and so much money,*  
 if any such be, of the tax thereby granted, as shall arise or re-  
 main after all the loans or exchequer bills made or to be made  
 on the same act, and all the interest, premium, rate, and charges  
 thereon, and the charges allowable thereby for raising the said  
 land tax, shall be satisfied, or money sufficient shall be reserved  
 in the exchequer to satisfy and discharge the same; and also all  
 the monies coming into the exchequer, either by loans or ex-  
 chequer bills, upon one other act of this session of parliament, Malt act,  
 intituled, *An act for continuing and granting to his Majesty certain*  
*duties upon malt, mum, cyder, and perry, for the service of the year*  
*one thousand seven hundred and sixty two, and so much money, if*  
 any such be, of the duties thereby granted, as shall arise or re-  
 main after all the loans or exchequer bills made or to be made  
 on the same act, and all the interest, premium, rate, and charges  
 thereon, and the charges thereby allowable for raising the said  
 duties, shall be satisfied, or money sufficient shall be reserved  
 in the exchequer to satisfy and discharge the same; and also all  
 the monies coming into the exchequer by contributions for an- Annuity act,  
 nuities, granted by one other act of this session of parliament,  
 intituled, *An act for raising by annuities, in manner therein men-*  
*tioned, the sum of twelve millions, to be charged on the sinking fund;*  
*and for applying the surplus of certain duties on spirituous liquors,*  
*and also the monies arising from the duties on spirituous liquors,*  
*granted by an act of this session of parliament; and also the sum of*  
 one million nine thousand two hundred seventeen pounds, two  
 shillings, and eight pence halfpenny, out of such monies as shall  
 or may arise of the surplusses, excesses, or overplus monies, and  
 other revenues composing the fund commonly called *The Sinking*  
*Fund*, directed to be issued and applied by one other act of this  
 session of parliament, intituled, *An act for granting to his Majesty*  
*a certain sum of money out of the sinking fund, and for applying cer-*  
*tain monies remaining in the exchequer, for the service of the year one*  
*thousand seven hundred and sixty two; and for settling and securing a*  
*certain annuity for the use of the right honourable Arthur Onslow,*  
*speaker of the house of commons in the last five parliaments; and*  
 also the sum of one hundred and fifteen thousand pounds, also the sum  
 granted by an act made in the second year of his late Majesty's of 115,000 l.  
 reign, upon account of arrears of his late Majesty's civil list replaced out  
 revenues, and now by his Majesty's direction replaced and re- of the arrears  
 funded out of the arrears of the said revenues, which were stand- of the civil list  
 ing out at the time of his late Majesty's demise; and also the of 2 Geo. II.  
 sum of twenty thousand pounds, remaining in the receipt with 20,000 l.  
 of the exchequer, being part of the sum of one hundred thousand remaining un-  
 pounds, granted to his late Majesty in the year one thousand applied in the  
 seven hundred and fifty eight, upon account, towards defraying exchequer, of  
 the money granted in the 1753, towards  
 the

pay and  
cloathing of  
the militia;

and 80,000 l.  
remaining un-  
applied of the  
money grant-  
ed in 1760,  
towards pay  
and cloathing  
of the unem-  
bodied mili-  
tia;

and 70,000 l.  
remaining un-  
applied of the  
money grant-  
ed the last ses-  
sion for the  
same pur-  
poses;

and 73,678 l.  
surplus of the  
duties on  
malt, to 5  
Jan. 1762;

and the sum  
of 1,000,000 l.  
granted by  
this act, are  
appropriated  
as follows;

videlicet,  
3,612,226 l. 9s.  
2d. thereof,  
towards naval  
services in  
general;

1,000 l. for  
compleating  
the chapel to  
Haster hos-  
pital;

the charge of pay and cloathing for the militia for the year one thousand seven hundred and fifty eight, and for defraying such expences as were actually incurred upon the account of the militia, in the year one thousand seven hundred and fifty seven; and also the sum of eighty thousand pounds remaining in the receipt of the exchequer, which was granted to his late Majesty, in the year one thousand seven hundred and sixty, upon account, towards defraying the charge of pay and cloathing for the unembodied militia for the year ended the twenty fifth day of *March*, one thousand seven hundred and sixty one; and also the sum of seventy thousand pounds remaining in the receipt of the exchequer, which was granted to his Majesty in the last session of parliament, upon account, towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England*, when unembodied, and of the cloathing of the part of the said militia then unembodied, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty one; and also the sum of seventy three thousand six hundred and seventy eight pounds, remaining in the receipt of the exchequer, being the surplus of the several duties on malt, established by an act made in the thirty third year of the reign of his late Majesty for paying annuities, granted in the year one thousand seven hundred and sixty, after satisfying all charges and incumbrances thereupon, to the fifth day of *January*, one thousand seven hundred and sixty two, by the said last mentioned act, made in this session of parliament, directed to be issued and applied; and the further sum of one million by this act granted, shall be further appropriated, and are hereby appropriated, for and towards the several uses and purposes herein after expressed; that is to say, it is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three millions six hundred and twelve thousand two hundred twenty six pounds, nine shillings, and one penny; for or towards the naval services herein after particularly expressed; that is to say, for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed; and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers; and for or towards maintaining nineteen thousand and sixty one marines; and for or towards the buildings, rebuildings, and repairs, of his Majesty's ships, for the year one thousand seven hundred and sixty two.

VII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one thousand pounds, for compleating the chapel ordered to be built for the use of the hospital for sick and wounded seamen at *Haster near Gosport*, and such other works as may be  
after-

afterwards found proper to be performed before the whole work is put out of hand.

VIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding six thousand pounds, for completing the works of the hospital for sick and wounded seamen building near *Plymouth*. 6,000 l. for completing the works of Plymouth hospital.

IX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding eight hundred thirty five thousand twenty five pounds, three shillings, and eight pence, for the charge of transport service, between the first of *October*, one thousand seven hundred and sixty, and the thirtieth of *September*, one thousand seven hundred and sixty one, including the expence of victualling his Majesty's land forces within the said time. 835,025 l. 4s. 8 d. for transport service, between 1 Oct. 1760, and 30 Sept. 1761.

X. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding six hundred forty two thousand nine hundred and sixteen pounds, two shillings, and three pence, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and sixty two, and for defraying the extraordinary expence of services performed by the office of ordnance for land service, and not provided for by parliament, in one thousand seven hundred and sixty one. 642,916 l. 2s. 3 d. for charge of the office of ordnance, for land service.

XI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven millions six hundred seventy seven thousand two hundred and five pounds, thirteen shillings, and two pence three farthings, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding one million six hundred twenty nine thousand three hundred twenty pounds, eighteen shillings, and one penny, for defraying the charge of the sixty seven thousand six hundred and seventy six effective men, including those in *Germany*, and on an expedition, and four thousand and eight invalids, and including commission and non-commission officers for guards and garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey*, and *Jersey*, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding eight hundred seventy three thousand seven hundred and eighty pounds, eighteen shillings, and seven pence, for maintaining his Majesty's forces and garrisons in the plantations, *Gibraltar*, *Guadeloupe*, *Africa*, and the *East Indies*, and for provisions for the garrisons in *Nova Scotia*, *Newfoundland*, *Gibraltar*, *Providence*, *Quebec*, *Guadeloupe*, *Senegal*, and *Goree*, for the year one thousand seven hundred and sixty two; and any sum or sums of money 7,677,705 l. 13s. 3 d. 3 q. for pay, &c. of the land forces in general; whereof 1,627,320 l. 18 s. 1 d. 273,780 l. 18 s. 7 d. for the forces and garrisons in the plantations, Guadeloupe, Africa, and the East Indies, and provisions for those in garrison,

23,284l. os. 6d. for the 4 regiments on the Irish establishment serving in North America;

163,711l. 12s. 6d. for augmentation of the forces;

72,896l. 14s. 2d. for pay of the general, and general staff officers;

443,952l. 10s. 10d. for charge of embodied militia; and fencible men of Argyllshire; and lord Sutherland's battalion of highlanders;

60,706l. 4s. 1d. for cloathing the embodied militia;

40,000l. towards pay and cloathing of the unembodied militia;

14,383l. to the reduced officers of the land forces and marines;

2,952l. 17s. 4d. to the officers and private gentlemen of the 2 troops of horse guards, and regiment of horse, reduced, &c.

1,838l. for pensions to officers widows;

not exceeding twenty three thousand two hundred eighty four pounds, and six pence, for defraying the charge of four regiments of foot on the *Irish* establishment serving in *North America*, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding one hundred sixty three thousand seven hundred and eleven pounds, twelve shillings, and six pence, for defraying the charge of an augmentation to his Majesty's forces, consisting of nine thousand three hundred and seventy men, from the twenty fifth day of *December*, one thousand seven hundred and sixty one, to the twenty fourth day of *December*, one thousand seven hundred and sixty two, both inclusive; and any sum or sums of money not exceeding seventy two thousand eight hundred ninety six pounds, fourteen shillings, and two pence, for the pay of the general, and general staff officers, and officers of the hospitals for his Majesty's land forces, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding four hundred forty three thousand nine hundred fifty two pounds, ten shillings, and ten pence, for defraying the charge of the embodied militia of the several counties in *South Britain*, and of the fencible men of *Argyleshire*, and of lord *Sutherland's* battalion of highlanders in *North Britain*, from the twenty fifth day of *December*, one thousand seven hundred and sixty one, to the twenty fourth day of *December*, one thousand seven hundred and sixty two, both inclusive, being three hundred and sixty five days; and any sum or sums of money not exceeding sixty thousand seven hundred and six pounds, four shillings, and one penny, upon account, for defraying the charge of cloathing for the embodied militia, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding twenty thousand pounds, upon account, towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England*, when unembodied, and of the cloathing of the part of the said militia now unembodied, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty two; and any sum or sums of money not exceeding thirty four thousand three hundred and eighty three pounds, upon account of the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding two thousand nine hundred fifty two pounds, thirteen shillings, and four pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse, reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding one thousand eight hundred and thirty eight pounds, for the paying of pensions to widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December*, one thousand seven

seven hundred and sixteen, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding thirteen thousand seven hundred forty nine pounds, ten shillings, and five pence, upon account, for out-pensions of *Chelsea Hospital*, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding four hundred sixty five thousand six hundred thirty eight pounds, sixteen shillings, and two pence three farthings, for defraying the charge of thirty nine thousand seven hundred and seventy three men of the troops of *Hanover*, *Wolfenbuttle*, *Saxe Gotha*, and the count of *Buckeburg*, together with that of general and staff officers, actually employed against the common enemy, in concert with the King of *Prussia*, from the twenty fifth day of *December*, one thousand seven hundred and sixty one, to the twenty fourth day of *December*, one thousand seven hundred and sixty two, both inclusive, to be issued in advance, every two months, in like manner as the pay of the *Hessian* forces now in the service of *Great Britain*, the said body of troops to be mustered by an *English* commissary, and the effective state thereof to be ascertained by the signature of the commander in chief of the said forces; and any sum or sums of money not exceeding two hundred sixty eight thousand three hundred and sixty pounds, eight shillings, and eight pence, for defraying the charge of two thousand one hundred twenty horse, and nine thousand nine hundred foot, together with the general and staff officers, the officers of the hospital, and officers and others belonging to the train of artillery, the troops of the landgrave of *Hesse Cassel*, in the pay of *Great Britain*, for three hundred and sixty five days, from the twenty fifth day of *December*, one thousand seven hundred and sixty one, to the twenty fourth day of *December*, one thousand seven hundred and sixty two, both days inclusive, together with the subsidy for the said time, pursuant to treaty; and any sum or sums of money not exceeding one hundred forty seven thousand and seventy one pounds, five shillings, and two pence, for defraying the charge of an additional corps of one thousand five hundred seventy six horse, and eight thousand eight hundred and eight foot, together with the general and staff officers, the officers of the hospital, and officers and others belonging to the train of artillery, the troops of the landgrave of *Hesse Cassel*, in the pay of *Great Britain*, for three hundred sixty five days, from the first day of *January*, one thousand seven hundred and sixty two, to the thirty first day of *December* following, both days inclusive, pursuant to treaty; and any sum or sums of money not exceeding sixty eight thousand and eight pounds, nine shillings, and one penny, for defraying the charge of one thousand four hundred forty four cavalry, and two thousand three hundred thirty infantry, the troops of the reigning duke of *Brunswick*, in the pay of *Great Britain*, for three hundred sixty five days, from the twenty fifth day of *December*, one thousand seven hundred and sixty one, to the twenty fourth day of *December*, one thousand seven hundred and sixty two,

13,749 l. 10 s.

5 d. for out-pensions of Chelsea hospital;

465,638 l. 16 s.

2 d. 3 q. for troops of

Hanover,

Wolfenbuttle;

Saxe Gotha,

and count of Buckeburg;

to be issued, in

advance, every

2 months;

and the troops

to be mustered

by an

English com-

missary, and

the return

signed by the

commander

in chief;

268,360 l. 8 s.

8 d. for sub-

sidy, and

troops of the

landgrave of

Hesse Cassel;

147,071 l. 3 s.

2 d. for charge

of an addi-

tional corps

of troops of

the landgrave

of Hesse Cassel;

68,008 l. 9 s. 1 d.

for subsidy

and troops of

the duke of

Brunswick;

25,504l. 6s. 8d.  
for charge of  
5 battalions  
serving in  
Germany;

2,453,662l.  
10d. for extra-  
ordinary ex-  
pences of land  
forces, and  
other services  
in 1761, not  
provided for;

1,600,000l.  
for forage,  
and other ex-  
traordinary  
expences of  
the combined  
army in  
Germany;

958,184l. 0s.  
10d. for ex-  
traordinary  
expences of  
the land  
forces, &c.  
to 24 Dec.  
1762, not pro-  
vided for;

and 50,000l.  
1,000,000l. to  
discharge the  
like sum bor-  
rowed pursu-  
ant to a vote  
of credit of the  
last session;

1,500,000l. for  
paying off ex-  
chequer bills  
made out by  
virtue of an  
act of the last  
session;

both days inclusive, together with the subsidy for the said time, pursuant to treaties; and any sum or sums of money not exceeding twenty five thousand five hundred and four pounds, six shillings, and eight pence, for defraying the charge of five battalions serving with his Majesty's army in Germany, each battalion consisting of one troop of one hundred and one men, and four companies of foot of one hundred and twenty five men in each company, with a corps of artillery, for three hundred and sixty five days, from the twenty fifth day of December, one thousand seven hundred and sixty one, to the twenty fourth day of December, one thousand seven hundred and sixty two, both days inclusive; and any sum or sums of money not exceeding one million three hundred fifty three thousand six hundred sixty two pounds, four shillings, and one penny, for defraying the extraordinary expences of his Majesty's land forces, and other services incurred, to the twenty fourth day of November, one thousand seven hundred and sixty one, and not provided for by parliament; and any sum or sums of money not exceeding one million, upon account, towards defraying the charges of forage, bread, bread waggons, train of artillery, and of provisions, wood, straw, *et cetera*, and other extraordinary expences and contingencies of his Majesty's combined army under the command of prince Ferdinand; and any sum or sums of money not exceeding nine hundred fifty eight thousand three hundred eighty four pounds, and ten pence, for defraying the extraordinary expences of his Majesty's land forces, and other services incurred, from the twenty fourth day of November, one thousand seven hundred and sixty one, to the twenty fourth day of December following, and not provided for by parliament; and any sum or sums of money not exceeding fifty thousand pounds, on account, towards assisting his Majesty to grant a reasonable succour, in money, to the landgrave of Hesse Cassel, pursuant to treaty.

XII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million, to enable his Majesty to discharge the like sum raised in pursuance of an act made in the last session of parliament, and charged upon the first aids or supplies to be granted in this session of parliament.

XIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million five hundred thousand pounds, to enable his Majesty to pay off and discharge the exchequer bills made out by virtue of an act passed in the last session of parliament, intituled, *An act for enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy, and towards naval services, for the year one thousand seven hundred and sixty one; and for allowing further time for making disbursements of the execution*

cution of articles or contracts of clerks to attornies or solicitors, and filing thereof, and charged upon the first aids or supplies to be granted in this session of parliament.

XIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding five thousand six hundred eighty four pounds, one shilling, and ten pence, upon account, for maintaining and supporting the civil establishment of his Majesty's colony of *Nova Scotia*, for the year one thousand seven hundred and sixty two; and any sum or sums of money not exceeding four thousand and fifty seven pounds, and ten shillings, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *Georgia*, and other incidental expences attending the same, from the twenty fourth of *June*, one thousand seven hundred and sixty one, to the twenty fourth of *June*, one thousand seven hundred and sixty two.

5,684 l. 18. 10 d.  
for charges of  
the civil esta-  
blishment of  
*Nova Scotia*;

4,057 l. 10 s.  
for charges of  
the civil esta-  
blishment of  
*Georgia*;

XV. And it is hereby also further enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred thirty three thousand three hundred thirty three pounds, six shillings, and eight pence, upon account, to enable his Majesty to give a proper compensation to the respective provinces in *North America*, for the expences incurred by them in the levying, cloathing, and pay of the troops raised by the same, according as the active vigour and strenuous efforts of the respective provinces shall be thought by his Majesty to merit; and any sum or sums of money not exceeding twenty thousand pounds, upon account, to be paid to the united company of merchants of *England* trading to the *East Indies*, towards enabling them to defray the expence of a military force in their settlements, to be maintained by them in lieu of the battalion of his Majesty's forces commanded by lieutenant general *Adlercron*, withdrawn from thence, and now returned to *Ireland*; and any sum or sums of money not exceeding fifteen thousand pounds, to be paid into the chamber of the city of *London*, to be applied towards the improving, widening, and enlarging the passage over and through *London Bridge*, without account, other than as is directed for the monies raised by an act made in the twenty ninth year of his late Majesty's reign, intituled, *An act to improve, widen, and enlarge the passage over and through London Bridge*; and any sum or sums of money not exceeding forty one thousand seven hundred fifty two pounds, and ten shillings, upon account, towards enabling the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, to maintain and educate such children as were received into the said hospital on or before the twenty fifth day of *March*, one thousand seven hundred and sixty, from the thirty first day of *December*, one thousand seven hundred and sixty one exclusive, to the thirty first day of *December*, one thousand seven hundred and

133,333 l. 6 s. 8 d. as a compensation to the provinces in *North America*, for expences incurred in levying troops there;

20,000 l. to the East India company, towards charge of a military force;

15,000 l. for repairing, &c. *London Bridge*;

41,752 l. 10 s. to the founding hospital to be issued without fee &c.



23,000 l. for supporting the forts and settlements in Africa ;

2000 l. to the trustees of the British Museum ;

4000 l. for building a bridge over the Tweed near Coldstream ;

20,540 l. to make good the deficiency on 5 July, 1761, of the duties on malt granted by act 33 Geo. II.

52,393 l. 16 s. 9 d. 2 q. to make good the deficiency on 5 July, 1761, of the duties on places and pensions, and upon houses and windows ;

203,906 l. to make good the deficiency on 5 July, 1761, of the additional duty on strong beer and ale ;

333,613 l. 5 s. 3 d. 1 q. to make good the deficiency of the grants for the year 1761 ;

sixty two inclusive ; and that the said sum be issued and paid for the use of the said hospital without fee or reward, or any deduction whatsoever ; and any sum or sums of money not exceeding thirteen thousand pounds, to be employed in maintaining and supporting the fort at *Annamaboe*, and other the *British* forts and settlements upon the coast of *Africa* ; and any sum or sums of money not exceeding two thousand pounds, towards enabling the trustees of the *British Museum* to carry on the execution of the trust reposed in them by parliament ; and any sum or sums of money not exceeding four thousand pounds, towards enabling the commissioners appointed by an act passed in the thirty third year of the reign of his late Majesty, intituled, *An act for repairing and widening the roads from Deanburn Bridge, through Greenlaw, and part of Jedburgh road, by Lauder in the shire of Berwick to Cornhill in the county of Durham, and for building a bridge over the Tweed near Coldstream*, to build the said bridge, and to defray such other expences as may be found necessary in relation thereto : and any sum or sums of money not exceeding ten thousand five hundred and forty pounds, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty one, of the several duties on malt granted by an act *Tricesimo tertio Georgii secundi*, to answer annuities after the rate of four pounds *per centum*, charged thereupon ; and any sum or sums of money not exceeding fifty two thousand three hundred ninety three pounds, sixteen shillings, and nine pence halfpenny, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty one, of the several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, which were made a fund by an act *Tricesimo primo Georgii secundi*, for paying annuities at the bank of *England*, in respect of five millions borrowed towards the supply granted for the service of the year one thousand seven hundred and fifty eight ; and any sum or sums of money not exceeding one hundred and three thousand nine hundred and six pounds, to replace to the sinking fund the like sum paid out of the same, to make good the deficiency on the fifth day of *July*, one thousand seven hundred and sixty one, of the additional duty upon strong beer and ale, to answer and pay the several annuities of three pounds *per centum*, and one pound two shillings and six pence *per centum*, on eleven millions four hundred thousand pounds, part of twelve millions borrowed towards the supply granted to his Majesty by an act *Primo Georgii tertii*, for the service of the year one thousand seven hundred and sixty one ; and any sum or sums of money not exceeding one hundred and twelve thousand six hundred and thirteen pounds, five shillings, and five pence farthing, to make good the deficiency of the grants for the service of the year one thousand seven hundred and six ; one ; and any sum or sums of money not exceeding one thousand five hundred pounds, to make

make good the like sum issued, pursuant to an address of the house of commons, by his Majesty to *Jeremiah Dyson*, esquire, towards defraying the expence of printing the journals of the house of commons from the beginning of the ninth parliament of *Great Britain* to the end of the last session of parliament, and also towards defraying the expence of making and printing indexes to the second, third, fourth, fifth, sixth, and seventh volumes of the journals of the house of commons which have been already printed.

journals of the house of commons;

XVI. And it is hereby also enacted by the authority aforesaid, and That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million, upon account, to enable his Majesty to defray any extraordinary expences of the war incurred, or to be incurred, for the service of the year one thousand seven hundred and sixty two, and to assist the kingdom of *Portugal* an ancient and natural ally of his Majesty's crown, and to take all such measures as may be necessary to disappoint and defeat any enterprizes or designs of his enemies, against his Majesty, or his allies, and as the exigency of affairs may require.

XVII. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XVIII. And, as to the said sum of thirty four thousand three hundred and eighty three pounds, by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such person who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons as would have been otherwise entitled to the same as reduced officers; and that no

1500*l.* to make good the like sum issued, pursuant to address, to *Jeremiah Dyson*, esq; towards the expence of printing the

1,000,000 *l.* upon account, to defray any extraordinary expences of the war, for the year 1762, and to assist the kingdom of *Portugal*.

These aids to be applied to no other use;

Rules to be observed in the application of the half-pay.

part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

Clause in the  
act of Geo. II.

XIX. *And whereas by an act of parliament made and passed in the first year of his present Majesty's reign, intituled, "An act for enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for exempting any annuities or sums of money granted, or to be granted, to the royal family from payment of taxes;" the several supplies which had been granted to his present Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which, any sum or sums not exceeding thirty four thousand eight hundred fifty four pounds, nine shillings, and two pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of thirty*

Application of  
the savings of  
the sum of  
34,854 l. 9 s.  
2 d. granted  
last session  
towards  
half-pay.

*four thousand eight hundred fifty four pounds, nine shillings, and two pence, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed, or have lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.*

XX. *And whereas divers admissions of persons into corporations and companies, and admissions or appointments to offices in corporations and companies, within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, have, through the mistake, inadvertency, or neglect, of the officers of such corporations and companies, been omitted to be stamped, as by several acts of parliament is required, whereby the titles to the respective franchises and offices of the persons or officers so admitted or appointed may be drawn into dispute; be it therefore enacted by the authority aforesaid, That upon the payment at any time before the last day of Michaelmas term, one thousand seven hundred and sixty two, of the duties imposed by law upon, for, or in respect of such admissions or appointments, unto the person or persons authorized to receive such duties, and the rendering such admissions or appointments to the proper officers, in order that the duties may be impressed thereon; such admissions and appointments, and all acts done or to be done in consequence thereof, shall be as valid and effectual to all intents and purposes, as if such admissions and appointments had been stamped, and the duties paid, previous to, or at the*

Further time  
allowed for  
payment of  
the duties  
upon admis-  
sions and ap-  
pointments of  
persons to  
franchises  
and offices.

time

time of such admissions or appointments, and in such manner and form as is directed, appointed, and required, by the several acts of parliament relating to the said duties; and the respective officers of such corporations and companies, and other persons, shall, from the time of the payment of such duties respectively, and the tender of such admissions and appointments for the duties to be imposed thereon, be and are hereby freed, exonerated, and discharged, from all penalties imposed by the said acts, for or in respect of the omission in the stamping of, and payment of the duties charged upon such respective admissions and appointments, within the time and in the manner directed and required by the said acts, and the commissioners for the time being appointed to manage the duties payable to his Majesty, his heirs, and successors, and charged on stamped vellum, parchment, and paper, and their proper officers and servants are hereby required and enjoined to receive such duties, and to cause the admissions or appointments so tendered, to be impressed or stamped with the proper mark or marks, stamp or stamps, used for denoting the payment of the said duties; any thing in the said acts contained to the contrary notwithstanding.

XXI. *And whereas in the month of December, one thousand seven hundred and fifty nine, at Liverpool in the county palatine of Lancaster, there was shipped on board the Drake, James Mackenzie master, by William Earl of Liverpool aforesaid, for the north seas, seven hundred and twenty bushels of white salt, for the duty whereof bond was given by the said William Earl, Joseph Carter, and James Mackenzie; and the said vessel, the Drake, going into the harbour of Dublin, was wrecked, whereby the said above mentioned was lost and perished in the sea; but the proof of such loss could not be made within the time limited by law; be it therefore enacted by the authority aforesaid, That the bond or bonds given by the said William Earl, Joseph Carter, and James Mackenzie, for and in respect of the duty of the said seven hundred and twenty bushels of salt so lost, shall forthwith be delivered up, discharged, and vacated, and the same is and are hereby discharged and vacated accordingly; any act or acts of parliament to the contrary notwithstanding.*

Clause for relief of W. Earl, in respect of salt lost going into Dublin harbour.

#### C A P. XXXV.

*An act for applying the money granted in this session of parliament, towards defraying the charge of the pay of the militia of that part of Great Britain called England, when unembodied, and of the cloathing of the part of the said militia now unembodied, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty two.*

**W**HEREAS the sum of twenty thousand pounds has been granted to his Majesty, upon account towards defraying the charge of pay and cloathing for the unembodied militia, for one year, from the twenty fifth day of March, one thousand seven hundred and sixty two:

Preamble.

*That in order therefore that the charge of pay and cloathing for such militia may be duly and properly defrayed and satisfied: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in every county, riding, or place within that part of Great Britain called England, where the militia is or shall be raised, and is or shall not be embodied, the receiver or receivers general of the land tax of such county, riding, or place respectively, shall, during the time that such militia shall continue not embodied, issue and pay the whole sums required in the manner and for the several uses herein after-mentioned; that is to say, for the pay of the said militia for four calendar months in advance, at the rate of six shillings a day for each adjutant, where an adjutant is appointed; and at the rate of one shilling for each serjeant, with the addition of two shillings and six pence a week for each serjeant major, where a serjeant major is appointed; and at the rate of six pence a day for each drummer, with the addition of six pence a day for each drum major, where a drum major is appointed; and also at the rate of five pence a month for each private man and drummer, for defraying the contingent expences of each regiment, battalion, or independent company of militia; and also for half a year's salary for the clerk of each regiment or battalion of militia belonging to such county, riding, or place, at the rate of fifty pounds a year; and also for the respective allowances to the clerk of the general meetings, and clerks of the several subdivision meetings, at the rates following; that is to say, to the clerk of the general meetings, at the rate of five pounds five shillings for each meeting; and to the several clerks of the subdivision meetings, at the rate of one pound one shilling for each meeting; and also for the cloathing of the militia for such county, riding, or place, after the rate of three pounds ten shillings for each serjeant, and two pounds for each drummer, with the addition of one pound for each serjeant major, and each drum major; and with respect to the private militia men where the militia hath not already been cloathed, or hath not been cloathed within three years, at the rate of one pound ten shillings for each private man.*

II. Provided nevertheless, That in any county, riding, or place, where pay has not been yet issued for the militia, no such sum shall be issued until his Majesty's lieutenant, or in his absence, any three deputy lieutenants of any such county, riding, or place, shall have certified to the commissioners of his Majesty's treasury, and to the receiver general of the land Tax, that three fifths of the number of private militia men of such county, riding, or place, have been inrolled; and that three fifths of the proportion of their commission officers have accepted their commissions, and entered their qualifications, as by law required.

Where the militia is or shall be raised, but not embodied, the receiver general of the county is to issue 4 months pay in advance, according to the establishment of pay here set down;

with half a year's salary to the regimental and battalion clerks; and the allowances to the clerks of the general and subdivision meetings; and pay for cloathing of the militia.

The above sums are not to be paid, if pay has not before been issued, till the ld. lieut. or deputies shall have certified to the treasury and receivers general the inrolment of three fifths of the men and officers,

III. And be it enacted, That all such sums of money as shall be due to the several clerks of the meetings aforesaid, shall be paid by the said receiver or receivers general of the land tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia shall be formed into an independant company, or independant companies, such sums as aforesaid shall be paid by the said receiver or receivers general of the land tax, into the hands of the respective captain of each independent company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intituled to receive pay and cloathing, of which such regiment or regiments, battalion or battalions, independent company or independent companies, shall have been appointed to consist; and such receiver or receivers general of the land tax, shall also, within fourteen days after the expiration of the third calendar month from the time of the said first payment, make a second payment for four calendar months in advance; and shall also, within fourteen days after the expiration of the third calendar month from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforesaid, in the proportions herein before-mentioned; and the receipts of such clerk or clerks, and of such captain of an independent company, or captains of independent companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforesaid, shall be a sufficient discharge to such receiver or receivers general of the land tax, for the several sums of money so by him or them paid.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforesaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant of such regiment or battalion respectively; and to the captain or commanding officer of each company belonging to such regiment or battalion, two months pay in advance for the serjeants, drummers, and the contingent expences of his respective company; and also to the commanding officer of the company to which the serjeant-major and drum-major shall belong, two months pay in advance for such serjeant and drum-major; and so, from time to time, so long as any money on that account shall remain in his hands: which pay every such captain or commanding officer is hereby required to distribute to each person belonging to his company by this act intituled to receive the same, as it shall become due; and shall, once in every year, give in to the clerk of the regiment or battalion to which such company shall belong,

The money is to be issued by the receiver general to the clerk of the regiment or battalion (except the allowances to the clerks of the meetings) upon producing the warrant of his appointment; and for independent companies, to the respective captains, or to their order.

A second payment is also to be made within 3 months after the first; and a third within three months after the second.

Receipts of the persons to whom the money shall be so paid, discharge the receivers general.

The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and 2 months pay to each captain, for the serjeants, drummers, and contingent expences of the said company; and for the serjeant-major and drum-major; and to the command-

ing officer of the company to which they belong : captains to distribute the pay accordingly ; and account for the same yearly to the clerk or receiver general, if an independent company, according to the following form ;

County of	Dr.	Per Contra	Cr.
To cash received of Mr. regimental or battalion clerk, or receiver general, <i>as the case shall be</i> , for two months pay in advance.	£. s. d.	Paid serjeant for days pay from the of to the of following ———— <i>Ditto</i> as serjeant-major (if one in the company) Paid serjeant for days pay from the of to the of following ———— Paid drummer days at 6 <i>d.</i> from the of to the of following ———— <i>Ditto</i> as drum-major (if one in the company) Paid drummer days from the of to the of following ———— Two months contingencies for men and two drummers at ; <i>d.</i> per month each ————	£. s. d.

and pay back the surplus monies in his hands, except the contingent expenses, which is to be accounted for, and applied to the general use of the regiment, &c. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expenses.

Clerk to retain money in his hands for his own salary ; and discharge the cloathing bills,

And shall pay back to the said clerk, or to the receiver general, as the case shall be, the surplus (if any) of the money by him, from time to time, received, and then remaining in his hands, except the money by this act allowed for contingent expenses, which shall once in every year be accounted for by the captain of each company respectively, in manner aforesaid, and the balance thereof shall be by him paid into the hands of the clerk of the regiment or battalion to which such company shall belong, to be applied to the general use of the said regiment or battalion, as the field officers and captains thereof, or the greater part of them, shall, at a general meeting, direct ; and the captain of each independent company is hereby required to distribute to each person belonging to his company intitled thereto, such money as he shall receive by virtue of this act ; and the said money allowed for the contingent expenses of each independent company of militia shall be respectively applied to the particular use of such independent company by the captain thereof.

V. And be it enacted, That the said regimental or battalion clerk may and shall retain to his own use, out of the money so by him received, such further sums as shall complete the allowance herein before made for his salary ; and such regimental or battalion clerk shall pay to such person or persons as shall produce an order from his Major, Lieutenant, or from the commanding officer of such regiment or battalion, such sums of money as shall be due and owing for or on account of the cloathing of the

regiments or battalions, not exceeding the rates herein mentioned.

VI. And be it further enacted by the authority aforesaid, That whenever his Majesty's lieutenant together with two or more deputy lieutenants, and on the death or removal, or in the absence of his Majesty's lieutenant, any three or more deputy lieutenants of any county, riding, or place, shall have fixed the days of exercise for the militia, he or they shall, as soon as may be, certify the same to the receiver general of such county, riding, or place, specifying the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver general is hereby required, within fourteen days after the receipt of such certificate, to issue and pay to the clerk of the several regiments or battalions, or to the captains of the independent companies, as the case shall be, at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such militia men shall be absent from home on account of such exercise; and the said regimental or battalion clerks are hereby required forthwith to pay to each captain of the said regiments or battalions the proportion of pay belonging to their respective companies.

VII. And be it further enacted, That during the time of such exercise as aforesaid, the captains of every company shall make a field return, to be delivered to the commanding officer, and likewise keep an account of every day's exercise; which account shall, at the end of the time of exercise, be examined by the commanding officer, and compared with the said return. and keep account of every day's exercise, to be examined and compared with

VIII. And be it further enacted, That the captain of each company shall make up an account of all monies received, and paid by him on account of such exercise, according to the following form :

County of	Dr.	l.	s.	d.	Per Contra	Cr.	l.	s.	d.
To cash received of the regimental or battalion clerk, or receiver general, <i>as the case shall be, for</i>	}				Paid militia men at exercise days	}			
<i>Day's pay of</i>					Paid additional pay to corporals days				
<i>men</i>									

Which account shall be signed by the said captain, and countersigned by the commanding officer; and such captain shall, within ten days after the time of such exercise, deliver such account, and pay the ballance, if there be any due, to the regimental or battalion clerk; or if captain of independent company, to the receiver general; and such accounts shall be allowed as sufficient

When the lord lieutenant and deputies shall have fixed the days of exercise, they are to certify the same to the receiver general, specifying the number of men, and days they shall be absent from home. Receiver general to issue thereupon pay for the men to the regimental clerk, &c. who is to pay over the same to the respective captains.

Captains to make field returns to the commanding officer; and the return.

Captains to make up their account according to the following form;

to be signed by them and countersigned by the commanding officer, and delivered with the bal-



lance to the clerk, or receiver general. — sufficient vouchers in the passing of the accounts of such receiver general at the receipt of his Majesty's exchequer. Accounts allowed sufficient vouchers.

During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay from the receivers general is to cease.

IX. Provided always, and be it enacted, That where any regiment, battalion, or independent company of militia is or shall be embodied and called out into actual service, and thereby the officers and private militia men are or shall be intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers general of the land tax for the county, riding, or place to which such regiment, battalion, or independent company of militia shall belong, whether to the adjutant, serjeants, private militia men, or others; and all money allowed as aforesaid for the contingent expences of such regiment, battalion, or independent company of militia; and also the allowance to the clerk of such regiment or battalion; shall, during such time of actual service, and until such regiment, battalion, or independent company shall be disembodied, and returned home by order of their commanding officers, cease, and not be paid.

The clerk of the general meetings is to be paid his allowance, upon producing an order from the lord lieutenant, or three deputies; and the clerks of the subdivision meetings upon producing a like order from one deputy lieutenant.—Orders

X. And be it enacted, That the said receiver or receivers of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings; and shall also pay to each and every the clerks of the subdivision meetings, their several allowances, at the rate of one pound one shilling for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant or deputy lieutenants assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers general of the land tax, a sufficient discharge for the payment of such allowances, and be allowed in his or their account.

Regimental and battalion clerks to give security for paying and accounting for the monies received by them;

The bonds to be lodged with the receivers general, and put in suit by them on non-

XI. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia shall give security to the receiver or receivers general of the land tax of the county, riding, or place, to which such regiment or battalion shall belong, by a bond to his Majesty, in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers general of the land tax for the respective county, riding, or place, who, in case the said regimental or battalion clerk shall not duly perform the conditions comprized in the said bond, shall, and is hereby required forthwith to put the said bond in suit

Act, in the name of his Majesty, his heirs, and successors; the performance of the condition; full costs and charges of which suit, in case judgment shall be given against such regimental or battalion clerk, shall be paid by him to the said receiver or receivers general of the land tax, and they are intitled thereupon to full costs and charges, who shall likewise be intitled to, and receive to his or their own use, at the rate of five pounds *per centum*, out of all such monies as shall be by him or them recovered thereon, and shall account for the residue thereof with the proper auditor of his Majesty's revenue, the said receiver or receivers general of the land tax and 5*l.* *per cent.* of the money recovered; charging himself or themselves therewith upon the next account of the land tax to be by him or them passed. the residue to be accounted for to the auditor.

XII. And be it enacted, that the clerk of every regiment or battalion of militia, and the captain of every independent company of militia, in every county, riding, and place, within the part of *Great Britain* aforesaid, shall, between the twenty fifth day of *March* and the twenty fourth day of *June*, in the year one thousand seven hundred and sixty three, deliver to the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company shall belong, a fair account in writing of all monies by him received and disbursed for the service of the preceding year, in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers general of the land tax, any surplus of such monies that shall then be in his hands; which said accounts, signed by such regimental or battalion clerk, or by such captain of an independent company respectively, shall be transmitted by the said receiver or receivers general of the land tax, into the office of the proper auditor of his Majesty's revenue. The regimental and battalion clerks and captains of independent companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office.

XIII. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money for which any person or persons is or are by this act made answerable, may and shall be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no *essoins*, *wager of law*, or protection, or more than one *imparlance*, shall be allowed. Recovery of penalties, &c.

XIV. Provided always, and be it enacted, That no fee or gratuity whatsoever shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to, or in pursuance of this act. No fee payable for any warrant or sum of money issued in pursuance of this act.

## CAP. XXXVI.

*An act for better securing the payment of the sums of money directed by an act made in the thirty second year of the reign of his late Majesty King George the Second, to be applied in augmentation of the salaries of the puisne judges in the court of King's Bench, the judges in the court of Common Pleas, the barons of the coif in the court of Exchequer, at Westminster, and the justices of Chester, and the great sessions for the counties in Wales for the time being.*

Preamble,  
reciting clause  
in act 32 Geo.  
II.

**W**HEREAS by an act made in the thirty second year of the reign of his late Majesty King George the Second, intituled, "*An act for augmenting the salaries of the puisne judges in the court of King's Bench, the judges of the court of Common Pleas, the barons of the coif in the court of Exchequer, at Westminster, the judges in the courts of session and Exchequer in Scotland, and justices of Chester, and the great sessions for the counties in Wales,*" it was set forth that the salaries of the said judges and justices were inadequate to the dignity and importance of their offices, and therefore, in order to establish in the first place a proper fund for the augmentation of the salaries of the said judges in the courts at Westminster, and justices of Chester, and the great sessions for the counties in Wales, certain stamp duties were thereby granted and appropriated to the payment of the several and respective sums of money directed by the said act to be applied in augmentation of the salaries of the said mentioned judges and justices, and certain sums were directed to be paid yearly, out of the duties and revenues therein mentioned, in augmentation of the salaries of the said judges in Scotland: and where is the fund provided for payment of the sums granted in augmentation of the salaries of the said judges and justices in England and Wales, hath proved insufficient to make good and answer the time: *U*nto, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, in order to make the said fund effectual to answer the said purposes, do give and grant unto your Majesty the duties herein after mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and sixty two, there shall be, throughout *England*, the dominion of *Wales*, and town of *Berwick upon Tyne*, raised, collected, levied, and paid, unto and for the use of his Majesty, his heirs and successors, for every piece of vellum, parchment, or paper, on which the matters and things herein after mentioned shall be ingrossed or written, at any time or times after the said fifth day of July, over and above the rates, duties, charges and sums of money, now due and payable to his Majesty for or in respect

From and after  
the 5<sup>th</sup> July,  
1762, the fol-  
lowing addi-  
tional duty to  
be laid on  
stamped vel-  
lum, parch-  
ment, or pa-  
per, viz.

of the same, and further rates, duties, charges, and  
of money; that is to say,

For every piece of vellum or parchment, or sheet or piece  
of paper, upon which any admission into any of the four  
innings of court shall be ingrossed or written, the sum of two  
pounds.

on every  
million in  
any of the  
of court, &c.

For every piece of vellum or parchment, or sheet or piece  
of paper, upon which any register, entry, testimonial, or cer-  
tificate, of the degree of utter barrister, taken in any of the  
four inns of court shall be ingrossed or written, the sum of two  
pounds.

and on every  
testimonial of  
the degree of  
an utter bar-  
rister taken in  
any of the inns  
of court, &c.

II. And be it further enacted by the authority aforesaid,  
That for the better and more effectual raising, levying, col-  
lecting, and paying, the said additional rates and duties herein  
before granted, the same shall be under the government, care,  
and management, of the commissioners for the time being  
appointed to manage the duties payable to his Majesty, his  
heirs, and successors, and charged on stamped vellum, parch-  
ment, and paper, by former acts of parliament in that behalf  
made, who, or the major part of them, are hereby required  
and empowered to employ such officers under them for that  
purpose as they shall think proper, and to use such dies and  
stamps to denote the stamp duties hereby charged as they shall  
think fit, and to repair, renew, or alter, the same, from time  
to time, as there shall be occasion, and to do all other acts,  
matters, and things, necessary to be done for putting this act  
in execution with relation to the said rates and duties hereby  
granted, in the like, and in as full and ample manner, as they,  
or the major part of them, are authorized to put in execution  
any former law concerning stamped vellum, parchment, or  
paper.

The said  
duties to be  
under the ma-  
nagement of  
the commis-  
sioners for  
stamps;

who are to ap-  
point proper  
officers under  
them,

and provide  
suitable  
stamps.

III. Provided always, and be it further enacted by the au-  
thority aforesaid, That to prevent the multiplication of stamps  
for and in respect of the additional rates and duties hereby  
granted, it shall and may be lawful for the said commissioners,  
instead of distinct stamps, to ascertain the duties granted by  
former acts and this act, to cause one new stamp to be pro-  
vided for denoting all the said duties, from time to time, as  
shall by the said commissioners be thought proper or necessary.

One new  
stamp to be  
provided for  
denoting the  
said duties.

IV. And be it further enacted by the authority aforesaid,  
That all vellum, parchment, and paper, charged by this act,  
with any of the stamp duties hereby granted, which hath been,  
or shall before the said fifth day of July, be stamped or marked  
in pursuance of the former acts of parliament relating to his  
Majesty's stamp duties, or any of them, shall, before any of  
the matters or things, in respect whereof any rate or duty  
is hereby made payable, shall be ingrossed or written thereupon,  
such ingrossing or writing being at any time after the said fifth  
day of July, be brought to the head office for stamping or  
marking in order to

Vellum, &c.  
stamped be-  
fore 5 July, in  
pursuance of  
other acts,  
and charged  
able with the  
duties of this  
act,  
is to be  
brought to the  
stamp office  
marking in order to

have an additional stamp impressed; and such as shall not have been stamped before the said day in pursuance of former acts, is to be duly stamped as hereby directed, before any matter or thing be ingrossed thereon,

on forfeiture of s1. over and above the duties, and such writing, &c. being unavailable in law, till the duties and forfeitures be paid, and the proper stamp impressed.

Receiver general, &c. to give receipts for the said monies; and the stamps so be thereupon impressed. Penalty to be applied as the duties.

Duties to be paid into the hands of the receiver general, who is to keep a separate account thereof, and pay over the same into the exchequer;

marking of vellum, parchment, and paper, to be stamped or marked with another mark or stamp, over and besides the marks or stamps put or to be put thereupon, in pursuance of the said former acts or any of them; and that all vellum, parchment, and paper, which hath not been, or shall not, before the said fifth day of July, be stamped or marked in pursuance of the said former acts, or any of them, shall, before any of the matters or things in respect whereof any stamp duty is payable hereby, and by the said former acts or any of them, shall be thereupon ingrossed or written, such ingrossing or writing being after the said fifth day of July, be brought to the said head office, and there marked and stamped with the proper marks or stamps, or mark or stamp, provided, used, or appointed, or to be provided or appointed, in pursuance of the said former acts, or of this act, to denote the respective duties thereby and hereby respectively charged thereupon; and if any of the said matters and things so to be ingrossed or written as aforesaid, shall be ingrossed or written contrary to the true intent and meaning hereof, upon vellum, parchment, or paper, not appearing to have been duly marked or stamped, according to this act, that then, and in every such case, there shall be due, answered, and paid (over and above the stamp duties payable hereby, and by the said former acts, or any of them) for or in respect of every such matter or thing, the sum of five pounds; and that no such matter or thing shall be available in law or equity, or be given in evidence, or admitted in any court, unless as well the said duty hereby charged in respect thereof, as the said sum of five pounds, shall be first paid to the receiver general for the time being of the stamp duties, or his deputy or clerk, and until the vellum, parchment, or paper, upon which such matter or thing is so ingrossed or written, shall be marked or stamped, according to the tenor and true meaning hereof; and the said receiver general, and his deputy or clerk, are hereby enjoined and required, upon payment or tender of the said duties, and of the said sum of five pounds, and such other sums, as by the said former acts are payable in that behalf, to give a receipt for such monies; and the other proper officers are thereupon required to mark or stamp such matters or things with the proper marks or stamps, or mark or stamp required in that behalf; which said sum of five pounds is to be applied to the same uses and purposes, as the duties hereby granted are to be applied.

V. And be it further enacted by the authority aforesaid, That the rates and duties herein before granted, shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the rates and duties arising by virtue of this act, and pay the same (the necessary charges of raising, paying, and accounting for such rates and duties, being deducted) into the receipt of the exchequer, for the purposes herein after expressed,

at

such time and in such manner, as any former duties on stamped vellum, parchment, or paper, are directed to be paid; and that in the office of the auditor of the said receipt, shall be provided and kept a book or books in which all the monies arising from the rates and duties hereby granted and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs, and successors, upon any account whatsoever, and shall be applied in such manner as is herein after mentioned.

and the auditor is to provide a book for entering the same separately from all other monies.

VI. And be it further enacted by the authority aforesaid, That the said commissioners, and all other officers who shall be employed in the collection or management of the said rates and duties herein before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall, from time to time, receive from the high treasurer or the commissioners of the treasury, or any three or more of them, for the time being; and that no fee or reward shall be taken or demanded by any such commissioners or officers, from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable, by any action to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

Commissioners and officers employed in the collection and management of these duties, are to observe the direction of the treasury; and no fee is to be taken by them; and neglecting their duty, to the damage of any person, they are liable to make good the same, with treble costs of suit;

VII. And be it further enacted by the authority aforesaid, That the said commissioners, and their officers, shall be subject to such penalties and forfeitures for any breach of the trusts in them reposed, or for diverting or misapplying the money received in pursuance of this act, as by any former law relating to stamped vellum, parchment, or paper, are inflicted; and that all powers, provisions, articles, clauses, penalties, forfeitures, distribution of penalties and forfeitures, and all other matters and things prescribed, inflicted, or appointed, by any former act or acts of parliament relating to the stamp duties on vellum, parchment, and paper, and not hereby altered, shall be in full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing the said rates and duties, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been herein enacted with relation to the rates and duties hereby imposed.

and they are made subject to the like penalties for any breach of trust, &c. as are inflicted by any of the former acts; and all the provisions, &c. in those acts where not altered by this, are extended to this act.

VIII. And be it further enacted by the authority aforesaid, That if any person from and after the said fifth day of July, shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, to resemble any seal, stamp, or mark, directed or allowed to be used by this act, for the purpose of de-

Penalty of counterfeiting or forging any of the stamps to be used for the purposes of this act,

or of selling any vellum, &c. with such counterfeit stamps;

or of privately using any of the allowed stamps, with an intent to defraud;

is felony, without benefit of clergy.

Duties of this, and of the former act of 32 Geo. II. to be a joint fund for paying the judges salaries;

and the surplus to be reserved for the disposition of parliament.

General issue.

Treble costs.

noting the duties hereby granted; or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs, and successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, liable to any such stamp duty, with such counterfeit stamp or mark, knowing the same to be counterfeit; or shall privately or fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs, and successors, of any of the said duties, every person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

IX. And be it further enacted by the authority aforesaid, That the duties hereby granted, and the duties arising by virtue of the said former act, made in the thirty second year of his late Majesty's reign, shall be, and are hereby made one joint fund, for answering and paying, in such manner and proportions as are therein directed and appointed, with respect to the duties thereby granted, all such sums of money as shall become due and payable from and after the said fifth day of July in pursuance of the said act, to the puisne judges in the court of *King's Bench*, the judges in the court of *Common Pleas* at *Westminster*, the chief and other barons of the coin in the court of *Exchequer* at *Westminster*, the chief and second justices of *Chester*, and the justices of the great sessions for the counties in *Wales*, for the time being respectively; and if any surplus shall remain of the produce of the said fund, the same shall be reserved for the disposition of parliament, in such manner as any surplus of the duties granted by the said act, are thereby directed to be reserved.

X. And it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done, or to be done or executed, in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter, in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

## C A P. XXXVII.

*An act for vesting certain lands, tenements, and hereditaments, upon the sea coasts, in the counties of Kent, Sussex, and Southampton, on which forts and batteries have been erected for the defence of the said coasts, in trustees, for certain uses; and for other purposes therein mentioned.*

Preamble.

WHEREAS the coasts of Sussex, Kent, and Southampton, lay open and exposed to the insidious incursions of his Majesty's enemies:

*enemies: and whereas our late most gracious sovereign lord George the Second, out of his paternal affection, tendering the welfare and protection of his dutiful and loyal subjects, did order and direct the master general and principal officers of his ordnance, to erect and build several forts and batteries, at convenient distances, upon the said coasts: and whereas, in pursuance of such orders, forts and batteries have been erected by and with the consent of the owners and proprietors of the several lands herein after-mentioned, on which the same are respectively erected; at Little Hampton, Brighthelmston, Newhaven, Blochington, Seaford, Hastings, and Rye, in the county of Sussex; and at Folkestone and Hyth, in the county of Kent; and in the parish and Island of Portsea, in the county of Southampton: and whereas it is just and reasonable that the several owners and proprietors of such lands should have proper compensation and satisfaction made for their respective interest therein, and that the said lands should be vested for ever in the crown, or in trustees, for the use and benefit of your Majesty, your heirs, and successors, after such compensation made to the owners and proprietors of the said lands; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in parliament assembled, and by the authority of the same, That all that piece or parcel of land situate on the sea shore on the east side of the entrance into *Arundel Haven*, in the parish of *Climpton*, in the county of *Sussex*, containing two acres, twelve perch and an half, on which a fort or battery called *Little Hampton Battery*, with gunners barracks, and the magazine thereto belonging, have lately been erected; and also all that piece or parcel of land situate on the sea shore at the east part of the town of *Brighthelmston*, in the said county of *Sussex*, containing one rood, twenty seven perch and three quarters, being part of the lands of *Brighthelmston* aforesaid, called *The Earl Clift*, on which said piece of land last-mentioned, the fort or battery called *Brighthelmston Battery*, with gunners barracks, and the magazine thereto belonging, have lately been erected; and also all that piece or parcel of land situate on the north side, at the entrance of the harbour of *Newhaven*, in the said county of *Sussex*, containing one acre, two rood, and twenty seven perch, part of the lands called *The Castle Hill*, on which said piece of land last-mentioned, the fort or battery called *Newhaven Battery*, with gunners barracks, and the magazine thereto belonging, have lately been erected; and also all that piece or parcel of land situate in the parish of *Blochington*, in the said county of *Sussex*, together with a way and passage five hundred twenty six feet in length, and ten feet wide, from the west angle of the said piece or parcel of land, to a certain well situate on *Blochington Down*, which said piece or parcel of land, with the said way or passage, contain three acres, twenty one perch, and on which said piece or parcel of land, a fort or battery called *Blochington Battery*, with gunners barracks, and the magazine thereto belonging, have lately been erected;*

The lands, with the barracks and magazines, whereon the several forts or batteries following stand, viz. Of Little Hampton, on the entrance in Arundel Haven; Brighthelmston Battery; Newhaven Battery;

Blochington Battery,



- Seaford Battery ;** erected ; and also all that piece or parcel of waste land situate in the parish of *Seaford*, in the said county of *Suffex*, containing, together with a well at the town of *Seaford*, one acre, one rood, and seven perch, being the greatest part thereof waste lands called *Seaford Beach*, on which the fort and battery called *Seaford Battery*, with the gunners barracks, and magazines thereto belonging, have lately been erected ; and also all that piece or parcel of waste land, situate in the parish of *Saint Mary of the Castle*, on the pier at the west side of the town of *Hastings*, in the said county of *Suffex*, on which a battery called *Hastings Battery* has lately been erected ; and also all that other piece or parcel of land, situate on the said pier, on which the gunners barracks, and magazine belonging to the said battery last-mentioned, have lately been erected, which said two pieces or parcels of land last-mentioned, contain together one rood and twenty five perch ; and also all that piece or parcel of waste land situate at *Rye*, in the said county of *Suffex*, containing one acre, two rood, and thirty three perch, called *The Gun Garden Battery*, where an old battery formerly stood, and on which two new batteries called the *Upper Battery* and *Lower Battery*, and the magazine to them belonging, have lately been erected ; and also all that other piece or parcel of waste land situate at *Rye* aforesaid, containing six perch, being part of the waste called *The Old Church Yard*, on which the gunners barracks, belonging to the said batteries last-mentioned, have lately been erected ; and also all that piece or parcel of land situate at *Folkestone* in the county of *Kent*, containing one acre, one rood, and twelve perch, being part of a piece of land called *The Upper Bail Ground*, on which
- Gun Garden Battery, at Rye,**  
with the Upper and Lower Batteries there ;
- Folkestone Battery ;** a fort or battery has been lately erected ; and also all that piece or parcel of waste land situate near the town of *Hyth*, in the said county of *Kent*, containing twenty one perch, on which a battery of five guns has been lately erected ; and also all that other piece or parcel of waste land near the said town of *Hyth*, containing twenty four perch, on which the gunners barracks and magazine belonging to the said battery last mentioned, have been lately erected ; and also all that piece or parcel of land situate in the parish of *Portsea* in the county of *Southampton*, containing four acres, three rood, and seventeen perch, being part of two fields called *The Sixteen Acre Field* and *The Eighteen Acre Field*, belonging to *Lump's Farm*, in the said parish of *Portsea*, on which a fort or battery, called *Lump's Battery*, with the gunners barracks, and magazine thereto belonging, have lately been erected ; and also all that piece or parcel of land situate in the said parish of *Portsea*, containing six acres, two rood, and twenty one perch, being part of two fields called *Leek's Paddock*, and the thirty acre field belonging to a farm called *Eastney Farm*, in the said parish of *Portsea*, on which a fort or battery called *Eastney Battery*, with the gunners barracks, and magazine thereto belonging, have lately been erected, together with the beach or shingle between high water mark and low water mark, contiguous to, and adjoining the said several pieces or parcels of land, or any or either of them ;
- Hyth Battery ;**
- Lump's Battery, at Portsea ;**
- and Eastney Battery ;**
- and

and all other rights, members, and appurtenances, to ~~them~~, or any or either of them, belonging or appertaining, shall be, and are hereby, vested and declared to be in the actual and real possession and seisin of Sir *John Cust* baronet, speaker of the house of commons; the honourable *Robert Fairfax*, Sir *Wyndham Knatchbull Wyndham* baronet, *Thomas Pelham* Esquire, *John Butler* Esquire, the right honourable *Henry Bilson Legge*, and Sir *Simon Stuart* baronet, their heirs and assigns for ever, in trust nevertheless for such person and persons, bodies politic or corporate, ecclesiastical or civil, as at or immediately before the time of making this act, were the several and respective owners and proprietors thereof, according to their several estates and interests therein at the same time, in possession, reversion, remainder, or otherwise, until such estates and interests shall be respectively adjudged and determined, and reasonable and just compensation and satisfaction shall be made for the same.

II. And be it further enacted by the authority aforesaid, That for the better ascertaining the several owners and proprietors of the said lands, and their respective titles and claims thereto, it shall and may be lawful to and for his Majesty, by one or more commission or commissions, by letters patent under the great seal of *Great Britain*, to authorize and appoint any number of persons to be commissioners to hear and determine all titles and claims that shall or may be made to the said lands, tenements, and hereditaments, or to any part or parcel thereof; which commissioners so to be appointed, or any five or more of them, are hereby authorized and required, and shall and may, in a summary manner, proceed, act, and determine, by and upon the testimony of witnesses upon oath (which oath they, or any five or more of them, are hereby empowered to administer) inspection and examination of deeds, writings, and records, or by inquest of twelve good and lawful men to be impanelled and sworn in manner herein after mentioned and directed, or by all or any of the said ways, or otherwise, according to their discretion, all and all manner of rights, estates, and interests, and all controversies, debates, and questions, which shall happen and arise between any person or persons whatsoever, or any other matter or thing relating to any of the premises, or any part thereof; and shall have power to send for any person or persons, and oblige them to produce their deeds or writings, upon oath, relating to any of the same premises; and also shall and may, by agreement with the respective person or persons that shall be determined to be the owners and proprietors of the said lands, or by the said inquest of the said twelve good and lawful men to be impanelled and sworn, inquire, proceed, act, and determine, touching and concerning the true and real value of the said premises, or any part or parcel thereof, were or was of at the time the same were first made use of for the purposes aforesaid: and the said commissioners, or any five or more of them, are hereby required

are severally vested, with the rights, members, and appurtenances thereunto belonging, in the trustees herein mentioned, in trust for the respective owners and proprietors thereof.

His Majesty empowered to issue letters patent, appointing commissioners to hear and determine the titles and claims of the several proprietors of the said lands, tenements, and hereditaments, and their respective interests therein: They are to proceed therein in a summary way by the testimony of witnesses upon oath, inspection and examination of deeds and other evidences, or by inquest, &c. and they are empowered to send for any persons, and oblige them to produce their deeds, &c. relating to the premises;

and, by agreement or inquest, to settle the value thereof:

They are to cause their judgments and decrees to be entered in books, specifying the description and boundaries of the said lands, with the names of the parties interested; and the sums agreed for, or assessed by the jury to be paid for the same.

The said judgments and decrees to be

likewise ingrossed on parchment, and certified to the clerk of the crown in Chancery, and the King's remembrancer in the Exchequer: The same to be declared to be final and conclusive to all parties; and copies thereof are to be laid forthwith before both houses of parliament, in order that a reasonable compensation may be made to the several owners.

to cause all their judgments and decrees to be entered fairly in books; which judgments and decrees shall expressly mention and specify the respective number of acres or parcels of land, with their several abutments and boundaries, together with the name or names of every person or persons interested respectively in the same; and the respective sum or sums that shall be so agreed for or assessed by the said jury to be paid for the same respectively; which judgments and decrees shall likewise be fairly ingrossed on parchment, and certified to the clerk of the crown in Chancery, and to the King's remembrancer in his Majesty's court of Exchequer; and such judgments and decrees made as aforesaid shall be final, and shall conclude all and every person and persons, bodies politic and corporate, ecclesiastical and civil, their heirs, successors, executors; administrators, and assigns respectively, notwithstanding any disability or incapacity whatsoever; any law, statute, or custom, or other matter or thing whatsoever, to the contrary notwithstanding; copies of which said judgments and decrees shall be laid forthwith before both houses of parliament, that a just and reasonable compensation and satisfaction may be made to the several owners and proprietors of the said lands, tenements, and hereditaments.

### III. And be it further enacted by the authority aforesaid

That for the better carrying the said commission or commissions into execution, the said commissioners to be appointed in and by the said commission or commissions, or any five or more of them, shall, and lawfully may, and are hereby authorized and required to issue forth their warrant or warrants, under their hands and seals, to be directed to the respective sheriffs of the respective counties wherein such lands, tenements, or hereditaments shall lie, thereby commanding them respectively to impanel, summon, and return, before the said commissioners, at such times and places as shall be appointed in such warrant or warrants, a good and sufficient jury of twenty four good and lawful men qualified to serve upon juries, at the assizes for the said respective counties; who upon their oaths (which oaths the said commissioners, or any five or more of them, shall have power to administer) shall enquire into the true and real value of the said lands, tenements, and hereditaments, and every part or parcel thereof, and who respectively are the owners and proprietors thereof, and their respective estates and interests therein; and the better to enable the said jurors to make such enquiry, the said commissioners shall, and lawfully may, direct, in such their warrant or warrants to the said respective sheriffs, a view to be taken by six or more of the said jurors, of the se-

Commissioners empowered to issue warrants to the sheriffs for impanelling and returning a sufficient jury.

Jury to be sworn:

Their duty.

6 or more of them may be directed to take a view of the premises.

veral lands in the said respective counties, at some time previous to the meeting of the said commissioners; and the sheriffs of the said counties respectively, upon receipt of such warrant or warrants from the said commissioners as aforesaid, are hereby required to impanel, summon, and return, twenty four good and lawful men qualified to serve upon juries at the assizes for the said respective counties, and in the mean time to have six or more of the said jurors so impanelled and sworn, to view the said lands in their respective counties; and at the return of such warrant or warrants to attend the said commissioners, with his bailiffs or officers, to prove, if necessary, the summons of the jurors so to be impanelled and returned respectively, upon oath, which oath the said commissioners, or any five or more of them, shall have power to administer to the said sheriff, and his bailiffs and officers, or any or either of them: and in case the said sheriff or sheriffs, and his or their bailiffs and officers, or any or either of them, shall neglect or refuse, being duly served with such warrant or warrants of the said commissioners fourteen days before the return thereof, to impanel, summon, and return such jury of good and lawful men as aforesaid, or otherwise refuse to execute such warrant or warrants, or shall not attend the said commissioners, with his bailiffs and officers, who shall summon the said jurors, at the return of such warrant or warrants, as aforesaid; then, and in either of the said cases, the said commissioners, or any five or more of them, are hereby authorized and required to impose a fine on such sheriff, bailiffs, and officers, or any or either of them, so making default, not exceeding twenty pounds, nor less than ten pounds, for any one offence; and in case the said jurors so to be impanelled, summoned, and returned, or any or either of them, shall neglect or refuse to appear at the return of such warrant or warrants, and to be sworn for the purposes aforesaid; then, and in such case, it shall and may be lawful to and for the said commissioners then assembled and met, to impose a fine upon each and every of the jurors so impanelled, summoned, and returned, and without lawful excuse, (to be allowed of by the said commissioners then sitting, or the major part of them) making default or refusing to be sworn, not exceeding the sum of ten pounds of lawful money of Great Britain; which fine and fines so to be imposed and set, the said commissioners are hereby authorized and required to situate into his Majesty's court of *Exchequer*, to be levied to the use of his Majesty.

quer; and levied to the use of his Majesty.

IV. And be it enacted by the authority aforesaid, That in case a sufficient jury shall not appear upon the return of the said warrant or warrants to take the inquest, it shall and may be lawful to and for the said commissioners, or any five or more of them, to adjourn the said inquest to any future day, not exceeding fourteen days, nor less than four days from the adjournment thereof, and to issue out their warrant or warrants

Sheriff to impanel and summon a jury accordingly, &c.

and, at the return of the warrants, to attend, with his officers, the commissioners, in order to prove the service of the summons; Sheriffs or officers neglecting their duty in the premises,

may be fined by the commissioners in a sum not exceeding 20*l*. nor less than 10*l*. for one offence.

Jurors neglecting their duty, without lawful excuse, may be fined in like manner,

in a sum not exceeding 10*l*.

Fines may be situate into the Exchequer.

If a sufficient jury shall not be found, upon return of the warrant, the commissioners may adjourn the inquest to

some future day, not exceeding 14 days, nor less than 4. and issue their warrant for summoning and returning a number equal to those

for impanelling, summoning, and returning, an equal number of jurors to those so making default, who, together with the jurors before returned by the sheriffs of the respective counties upon such second warrant or warrants afterwards to be issued, or upon any future warrant or warrants, adjournment or adjournments, which the said commissioners are hereby authorized to issue and make, from time to time, until a sufficient jury can be had, shall enquire as aforesaid.

Twelve deemed a sufficient jury.

The jury being sworn, the commissioners are to sit from day to day, until the inquest is taken; and judgments and decrees thereon.

V. Provided always, That twelve good and lawful men shall be sufficient to take the inquest aforesaid; and that in case twelve or more (not exceeding twenty three in the whole) shall appear and be sworn to take such inquest, then, and in such case, the said commissioners shall continue and sit from day to day, until the said inquest shall be taken; and after the inquest shall be taken, may adjourn to some future day for making their judgments and decrees thereon.

Commissioners to give 30 days notice, previous to their meeting for the purposes aforesaid; the same to be affixed on the doors of the guild hall of Canterbury, town hall of Lewes, and Portsmouth, and the principal gates and entrances into the respective forts and batteries before mentioned; and published in the London Gazette. Where persons refuse to appear, or produce their evidence, pursuant to such notice the commissioners and jurors are to proceed upon the best information they can get, and the judgments and decrees thereupon made, are declared to be final and conclusive.

VI. And, to the intent that no person or persons may have any cause or pretence for not appearing to make out their claims or title to the said lands, tenements, or hereditaments, or any part or parcel thereof; be it further enacted by the authority aforesaid, That five or more of the said commissioners shall give notice in writing thirty days at least before their meeting at each place, which writing shall be affixed at the respective doors of the guild hall of the city of *Canterbury*, the town hall of the borough of *Lewes*, and the town hall of the borough of *Portsmouth*, and at the principal gates of, and entrances into, the respective forts and batteries before mentioned; and shall likewise be published in the *London Gazette*; and if any person or persons shall neglect or refuse to appear, or, when he or they shall appear, shall wilfully refuse to shew his or their deeds or writings relating to the premises, that then the said commissioners, or any five or more of them, and the jurors to be impanelled and sworn upon such inquest, shall proceed, upon the best information they can get or have, to make such inquest, judgments, and decrees, as before directed; and all such judgments and decrees, being entered and certified as aforesaid, shall be final and conclusive.

Where persons refuse to appear, or produce their evidence, pursuant to such notice the commissioners and jurors are to proceed upon the best information they can get, and the judgments and decrees thereupon made, are declared to be final and conclusive.

Upon payment of the sums decreed to the respective proprietors,

VII. And be it further enacted by the authority aforesaid, That immediately from and after the time that payment shall be made of the sum and sums of money so to be agreed for or assessed by the said jury, and decreed and adjudged by the said commissioners, or any five or more of them, to the owners and proprietors of the said lands, tenements, and hereditaments herein

herein before mentioned, or to any or either of them, the trustees herein before mentioned shall be deemed and adjudged to stand seised of such part and parcel of the said premises as shall be so paid for, to and for the use of his Majesty, his heirs, and successors, for ever, freed and discharged of and from all and all manner of right, title, claim, and demand whatsoever, that can or may be made by any person or persons, bodies politic or corporate, ecclesiastical or civil.

the trustees before mentioned shall be adjudged to stand seised of the premises, to the use of the crown, for ever freed and discharged of all claims, &c.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any five or more of them, upon the complaint of any owner or owners, occupier or occupiers, of any other lands and hereditaments adjoining to any part of the lands and hereditaments by this act vested in the said trustees, that he, she, or they have received any damage by the erecting or completing of any of the works thereto belonging, to examine into and hear every such complaint, and shall make an estimate of such damage, and shall return such estimate with, and in the manner they are herein before directed to return, the aforesaid judgments and decrees.

Commissioners upon complaint made to them of any damage done to adjoining lands, by erecting or completing any of the said works, are to examine into such complaint, and make and return an estimate of the damage.

IX. And be it further enacted by the authority aforesaid, That no private building or buildings shall be made or erected upon any of the lands vested by this act as aforesaid; and that the whole profits arising, or that shall hereafter arise, from the said lands, be, and are hereby appropriated and applied for and towards the erection and reparation of the respective fortifications of each place, and to no other use or purpose whatsoever; and all and singular the premises shall be and are hereby enacted and declared to be unalienable from the crown; neither shall any part of the premises be demised or demiseable, otherwise than during pleasure only.

No private buildings to be erected upon any of the lands vested as aforesaid by this act; and the profits arising from the said lands are to be applied towards the declared to be

erection and reparation of the respective fortifications. The premises unalienable from the crown; and are not demiseable but during pleasure.

X. Provided always, That no commissioner who shall be employed in the execution of this act, shall be liable, for or by reason of such execution, to any of the penalties mentioned in an act made in the twenty fifth year of the reign of King Charles the Second, intituled, *An act for preventing dangers which may happen from popish recusants*; or in one other act made in the first year of the reign of King William and Queen Mary, intituled, *An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*; or in one other act made in the parliament holden in the thirteenth and fourteenth years of the reign of the late King William the Third, intituled, *An act for the better security of his Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abet-*

Commissioners exempted from the penalties of the several qualification acts of 25 Car. II. 1 W. & M. 13 & 14 W. III.

and 1 Geo. I.

1013; or in one other act made in the parliament begun and holden in the first year of the reign of King George the First, intituled, *An act for the better security of his Majesty's person and government, and the succession of the crown in the heirs of the late prince's Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors.*

The commissioners are not disqualified, by being such, from sitting in the house of commons, or their election thereby become void.

XI. Provided also, and be it enacted, That such commissioners as his Majesty shall nominate for the purposes in this act, or any of them, shall not by reason thereof, in any sort be disabled or disqualified from sitting in the house of commons, or their election thereby become void; any law or statute to the contrary thereof in any wise notwithstanding.

## CAP. XXXVIII.

*An act for the more easy and speedy recovery of small debts, within the town and county of the town of Kingston upon Hull.*

## CAP. XXXIX.

*An act for repairing and widening the roads from Mullen's Pond in the county of Southampton, to the eighteen mile stone from the city of Salisbury near Willoughby Hedge; and from West Amesbury to Antflow Hill; and from Amesbury to Fiddleton; and from the New Inn in Amesbury to the end of the parish leading to Durrington; and from Wily to Cook's House and Landford; and from Beacon Hill to the Nag's Head; and from thence one mile of the road leading to Shrewton in the county of Wilts.*

## CAP. XL.

*An act for supplying the town of Halifax with water.*

## CAP. XLI.

*An act for rendering more effectual several acts passed in the fifth year of his late Majesty King George the First, and the thirteenth year of his late Majesty King George the Second, for repairing the roads from the top of Stokenchurch Hill to Enslow Bridge, through the city of Oxford, by Begbrooke, to New Woodstock in the county of Oxon; and for repairing the road from the Crown alehouse, to the turnpike on Stokenchurch Hill aforesaid; and for repairing the mile-ways on each side the said city, as therein mentioned.*

## CAP. XLII.

*An act for repairing, widening, and altering the road from Sandon in the county of Stafford, to Bullock Smithy in the*

*The County of Chester : and from Hilderstone, to Draycott in the Moors ; and from Wetley Rocks, to Tean, in the said county of Stafford.*

## CAP. XLIII.

*An act for repairing and widening several roads in the counties of Cornwall and Devon, leading to the borough of Saltash in the county of Cornwall.*

## CAP. XLIV.

*An act for repairing and widening the roads from a certain place near Bolton in the Moors, to Leigh ; and thence to the guide post near Golbourn Dale, and to the south end of Newton Bridge ; and from the said guide post to Winwick ; and from Newton by Parr Stocks, to the guide post in Parr, in the county palatine of Lancaster.*

## CAP. XLV.

*An act for better regulating the poor ; maintaining a nightly watch ; lighting, paving, and cleansing the streets, rows, and passages ; providing fire-engines and firemen : and regulating the hackney coachmen, chairmen, carmen, and porters ; within the city of Chester.*

## CAP. XLVI.

*An act for repairing and widening the road from the Lostwithiel turnpike road, in the parish of Creed in the county of Cornwall, through Tregonv, to Ruan Lanehorne ; and from Dennis Water, to three hundred yards on the south side of Trethini Mill, in the parish of Saint Jull, in the said county.*

## CAP. XLVII.

*An act for the enlightning the streets, lanes, and passages, within the town and county of the town of Nottingham.*

## CAP. XLVIII.

*An act for enlarging the term and powers granted by two several acts, passed in the sixth and sixteenth years of his late Majesty, for the more effectual repairing the roads leading from Wadesmill in the county of Hertford, to Barley and Royston ; and for making the said acts more effectual.*

## CAP. XLIX.

*An act for amending and widening the road from the turnpike road at or near the town of Swindon, to the north end or side of the town of Marlborough, and from the said town of Marlborough to the village of Everly in the county of Wilts.*



## CAP. L.

*An act for repairing, widening, and altering, several roads leading from Tavistock to Plymouth, and other places in the county of Devon.*

## CAP. LI.

*An act to amend and render more effectual an act passed in the last session of parliament, intituled, An act for amending, widening, and keeping in repair, the road leading from Fisherton Bridge to the turnpike road at Wiloughby Hedge in West Knoyle, and from Wilton Bridge, to the turnpike road at the west end of Heytesbury; and also the road from the turnpike road at the top of Red Horse Hill, in the parish of Urshfont, to the mile-stone at the western end of Fisherton Street in the county of Wilts.*

## CAP. LII.

*An act for building a bridge cross the river Teese, at or near the ferry in the parish of Stockton, in the county of Durham.*

## CAP. LIII.

*An act for repairing and widening the roads leading from Kelsal, in the county of Salop, to Whiston Cross, and from thence over Burnhill Green Rudge Heath, by the two New Inns, and to a place called High Gate Warren, in the county of Stafford.*

## CAP. LIV.

*An act for amending, widening, and keeping in repair, the road, from Castle Street, at the end of the town of Hinkly, to Lutterworth Town's-End, and from, or near, the Guide Post, at Walcot Town's-End, in the county of Leicester, to the eighty mile stone, in Welford Field, in the county of Northampton.*

## CAP. LV.

*An act for continuing and rendering more effectual an act passed in the tenth year of his late Majesty King George the Second, intituled, An act for continuing an act passed in the third year of the reign of His Majesty King George the First, for laying a duty of two Pennies Scots, or one sixth part of a penny sterling, on every pint of ale or beer, that shall be vended, or sold, within the town of Dumfries, and privileges thereof, for paying the debts of the said town, and for building a church, and making a harbour there; and for laying a duty on  
the*

*the tonnage of shipping, and a duty on goods imported and exported, into, and out of, the port of the said town, for the better repairing of the said harbour.*

## CAP. LVI.

*An act to amend and render more effectual an act made in the twenty eighth year of the reign of his late Majesty King George the Second, for making navigable Sanky Brook, in the county of Lancaster, and for the extending and improving the said navigation.*

## CAP. LVII.

*An act to amend an act made in the thirty second year of the reign of his late Majesty, for repairing and widening several roads, therein mentioned, in the counties of Southampton and Dorset: and for amending and widening the road between Ringwood Gate, in the county of Southampton to Woollbridge; and from thence to the great Western road, between a place called Thick Thorn and Cashmore Inn.*

## CAP. LVIII.

*An act for the better relief and employment of the poor, and for cleansing the streets, lanes, and other passages and places, in the parish of Saint James, within the liberty of Westminster, and for enlarging the church yard belonging to the said parish.*

## CAP. LIX.

*An act for repairing, widening, turning, and shortning the road leading from the turnpike road on Farrard's Common, in the parish of Bradford, through Holt and Melksham, to Homan's Stile, in the parish of Laycock, in the county of Wilts.*

## CAP. LX.

*An act for repairing and widening the road from the turnpike road at Weyhill, in the county of Southampton, to the turnpike road at Lyde Way, in the county of Wilts.*

## CAP. LXI.

*An act for altering, widening, and amending, the road from the north gate of the city of Winchester, over Worthy Cow Down, through Witchurch, and other places to Newtown River, and also the road from Worthy Cow Down aforesaid, through Wherwell, to the present turnpike road at Andover, in the county of Southampton.*

## CAP. LXII.

*An act for repairing and widening the high road, leading from Ashborne, in the county of Derby, to the town of Leek, in the county of Stafford, and from Reycroft Gate, upon Rushton Common, to Congleton, in the county of Chester; and also the road leading from Blyth Marsh, in the county of Stafford, through Cheadle, Oak-amoor, and Blore, to the turnpike road, from Ashborne to Buxton near Thorp, in the county of Derby.*

## CAP. LXIII.

*An act for amending, widening, altering, and keeping in repair, the road from the south end of Sparrow's Herne on Bushy Heath, through the market towns of Watford, Berkhamstead, Saint Peters, and Tring, in the county of Hertford, by Pettiphers Flms, to the turnpike road at Walton, near Aylesbury, in the county of Bucks*

## CAP. LXIV.

*An act for amending, widening, and keeping in repair, several roads leading from Bridge Town Pomeroy, and from Teign Bridge in the county of Devon.*

## CAP. LXV.

*An act for repairing and widening the roads from the White Post on Huleden's Wood, in the parish of Cranbrooke, to Appledore Heath, and from Milk House Street, in the same parish, to Castle's Oak, in the parish of Biddenden, and from Goltord Green, in the said parish of Cranbrooke, to Tannet Vent, in the parish of Benenden, all in the county of Kent.*

## CAP. LXVI.

*An act for repairing the road from the turnpike road on the top of Whitesheet Hill, to a place called the Hare Warren, and from thence to the Incey Post, standing near the Blintord turnpike road, on the side of Hainam Hill, and also for repairing and widening the road from the said Incey Post, to a house called Master Baker's Ivin House, in the county of Wilts*

## CAP. LXVII.

*An act for continuing, enlarging, and rendering more effectual, so much of an act made in the seventh year of the reign of his late Majesty King George the Second, intituled, An act for enlarging the terms and powers granted by two acts of parliament, for repairing the roads leading from Seven Oaks to Woodgate and Tonbridge Hill, and from Woodgate to King's Cross in the county*

county of Kent; and also for repairing the roads from *Kippings Cross* aforesaid, to *Lamberhurst Pound* and *Pullen's Hill*, in the said county; and to *Flimwell Vent*, in the county of *Sussex*; as relates to the amending, repairing, and keeping in repair, the said roads, leading from *Kippings Cross* aforesaid, to *Lamberhurst Pound*, *Pullen's Hill*, and *Flimwell Vent*, aforesaid.

## CAP. LXVIII.

An act for building two new churches, and providing burial places within the town of *Liverpool*, in the county palatine of *Lancaster*; and for the better preserving the pavements of the streets in the said town; and for ascertaining the fares and prices to be paid carters, carmen, hackney coachmen, and chairmen, and for regulating their behaviour, within the said town.

## CAP. XIX.

An act for explaining and amending so much of two acts of the twenty seventh and twenty ninth years of his late Majesty, for repairing several roads therein mentioned, in the counties of *Leicester* and *Warwick*, as relates to the road between *Hinckley* and *Coventry*.

## CAP. XX.

An act to amend and render more effectual several acts made for cleansing and enlightening the streets of the town of *Kingston upon Hull*, and for preventing annoyances therein.

## CAP. LXXI.

An act for continuing the term and powers of an act, made in the fortieth year of the reign of his late Majesty, intituled, An act for repairing the road from *Doncaster*, through the parish of *Pinston*, in the county of *York*, to *Salter's Brook*, in the county of *Cheshire*; and also the road from *Knottingham*, in the said county of *York*, to *Hitchcliffe Hill*, in the said parish of *Pinston*, and for making the said act more effectual so far as the same relates to the said road between *Doncaster* and *Salter's Brook*.

## CAP. LXXII.

An act for repairing and clearing the road from *Flimwell Vent*, in the county of *Sussex*, through *Highgate* in the county of *Kent*, and the parishes of *Sandhurst*, *Newenden*, and *Northiam*, to *Rye*, in the said county of *Sussex*, and from *Highgate* aforesaid, to *Cooper's Corner*, in the said county of *Sussex*, and to *Lubb's Lake* in the said county of *Kent*.

## CAP

## CAP. LXXIII.

*An act for repairing and widening the roads from a certain bridge, called James Deeping Stone Bridge, to Peter's Gate in Stamford, in the county of Lincoln, and from thence, to the south end of the town of Moncor, in the county of Rutland.*

## CAP. LXXIV.

*An act to amend and render more effectual an act made in the twenty ninth year of the reign of his late Majesty, intituled, An act for amending and keeping in repair the roads leading from Meadbrook, which divides the parishes of Pucklechurch and Mangotsfield, in the county of Gloucester, to Christian Malsford Bridge, in the county of Wilts, and also from Pucklechurch aforesaid, to certain coal mines in the said parish.*

## CAP. LXXV.

*An act for repairing and widening the high road leading from the north end of Ballingdon Bridge, in Sudbury, in the county of Suffolk, to the south gate in Berry Saint Edmunds, in the said county.*

## CAP. LXXVI.

*An act for amending and widening the road leading from the high post road near the town of Faversham, to Bacon's Water, through Ashford, to the town and port of Hythe, in the county of Kent, and from Bacon's Water, to a certain lane, called Holy-Lane, in Wincheap, near the city of Canterbury.*

## CAP. LXXVII.

*An act to enlarge the term and powers, and also to render more effectual an act for amending, widening, and keeping in repair, the several roads from the town of Pool, in the county of Montgomery, to Wrexham, in the county of Denbigh; and also the road from Knockin, in the county of Salop, to Llanrhaiader, in Mochmant, in the county of Denbigh, and to repair and widen several other roads therein mentioned.*

## CAP. LXXVIII.

*An act for amending and widening the road from the Market-House, in Stourbridge, to Colly Gate, in Cradley, and from Peckmore, to Holly Hall, and from Colly Gate, to Hatfield, and from the turnpike road on Dudley Wood, to Rednall Green, in the parish of King's Norton, and from Carter's Lane, to the Bell Inn at Northfield, in the counties of Worcester, Stafford, and Salop.*

CAP

## CAP. LXXIX.

*An act for amending, widening, and keeping in repair, several roads leading from Cleobury Mortimer, the Croft Houses, Glazeley, and the turnpike gate on Abberley Hill, in the counties of Salop and Worcester.*

## CAP. LXXX.

*An act for amending, widening, and keeping in repair, several roads therein mentioned, lying in the counties of Leicester, and Warwick, and in the county of the city of Coventry.*

## CAP. LXXXI.

*An act for widening, repairing, and amending, the road from Helsket, by Yewes Bridge, to Cockermouth, and from thence by Lorton, over Whunlatter, to Kefwick, in the county of Cumberland, and from Kefwick, by Dummail Rays and Ambleside, to Kerby in Kendall in the county of Westmorland, and from Plumbgarth's Cross, near Kerby in Kendall aforesaid, to the lake called Windermere, in the county of Westmorland, and from Kefwick aforesaid, to the town of Penrith, in the county of Cumberland.*

## CAP. LXXXII.

*An act to continue, and render more effectual, an act passed in the thirtieth year of the reign of his late Majesty, for amending, widening, and keeping in repair, the road leading from Burling Bridge, in the town of Loughborough, to Ashby de la Zouch, in the county of Leicester, and for repairing and widening the road, branching out of the said road, at Coleorton Church, over Coleorton Moor, and through Worthington and Sutton Bonington, to Rempston, in the counties of Leicester and Nottingham.*

## CAP. LXXXIII.

*An act for repairing and widening the roads from Kirkby-Steven High Lane Head, in the county of Westmorland, through Sedberg, to Greeta Bridge, in the county palatine of Lancaster, and from Bracken Bar Gate near Askrigg, in the county of York, through Sedberg, to Kirkby Kendal, and also the road from the four lane ends in Marthwaite, to the turnpike road on Grayrigg Houle, leading from Appleby, to Kirkby Kendal, in the said county of Westmorland.*

## CAP. LXXXIV.

*An act for repairing and widening the road from Cosham, in the county of Southampton, to the city of Chichester*

CAP.

## CAP LXXXV

*An act to empower the commissioners and trustees named and appointed by, and in pursuance of an act of parliament made in the tenth year of the reign of his late Majesty King George the First, for making more effectual an act made in the sixth year of his Majesty's reign, intituled, An act for completing the repairs of the harbour of Dover in the county of Kent, and for restoring the harbour of Rye in the county of Sussex, to its antient goodnesse so far as the same relates to the harbour of Rye, to let the sea and tides into a new cut or channel, made in pursuance of the said act of the tenth year of his said late Majesty's reign, as far as a wall, called Winchelsea Wall.*

## CAP LXXXVI.

*An act to enlarge the term and powers granted by an act passed in the eleventh year of the reign of his late Majesty, for continuing several acts relating to the harbour of Liverpool, and for enlarging the said harbour, by making an additional dock and building a pier in the open harbour there, and for enlightening the said dock, and for making another dock with proper piers in the said harbour, and for erecting lighthouses, and other proper lights, in or near the port of Liverpool.*

## CAP LXXXVII.

*An act for enlarging the term and powers of several acts of parliament, relating to the harbour of Whitehaven, in the county of Cumberland, and to the roads leading to the said harbour and town of Whitehaven, and for further enlarging the said harbour, and for lighting the said town, and supplying the same with water, and for regulating the customs there, and for repealing so much of an act of the twenty third year of the reign of his late Majesty, as relates to the road from Calder Bridge, to Lgremont, and directing the said road to be repaired, and for repairing so much of the roads therein mentioned, in the said county.*

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T A B L E  
Containing the TITLES of all the  
S T A T U T E S  
P U B L I C K and P R I V A T E,

Passed *Anno tertio*

G E O R G I I I I I. *Regis.*

Being the Second Session of the Twelfth Parliament of  
G R E A T B R I T A I N.

P U B L I C K A C T S.

**A**N act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three.

II. An act for granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty-three.

III. An act for the regulation of his Majesty's marine forces while on shore.

IV. An act for rectifying mistakes in the names of several of the commissioners appointed by an act made in the last session of parliament, to put in execution an act made in the same session, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty-two*; and for appointing other commissioners, together with those named in the first-mentioned act, to put in execution an act of this session of parliament, for granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty-three.

V. An act to indemnify such as have omitted to qualify themselves for offices and employment, and to indemnify justices of the Peace, deputy lieutenant and officers of the



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militia, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and for the making and filing of affidavits of articles of clerkship.

VI. An act for explaining and amending an act made in the thirty-first year of the reign of his late Majesty King George the Second, intituled, *An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread*; so far as the same relates to that part of Great Britain called Scotland; and for rendering the said act more effectual in that part of the united kingdom.

VII. An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

VIII. An act to enable such officers, marines, and soldiers, as have been in the land or sea service, or in the marines, since the twenty-second year of his late Majesty King George the Second, to exercise trades.

IX. An act for granting annuities to satisfy certain navy, vi. tualling, and transport bills, and ordnance debentures; and for charging the payment of such annuities on the sinking fund; and making good the same to the said fund, in manner therein mentioned.

X. An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and sixty-three, and for appointing a time and place for exercising the militia in the said year.

XI. An act for explaining and amending an act made in the thirty-first year of the reign of his late Majesty King George the Second, intituled, *An act for the due making of bread, and to regulate the price and assize thereof; and to punish persons who shall adulterate meal, flour, or bread*.

XII. An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries, to be charged on the said duties.

XIII. An act for more effectually securing the payment of the duties upon malt, by preventing frauds in the obtaining of allowances, and the mixing of fresh corn or grain with corn or grain making into malt.

XIV. An act for the encouragement of John Harrison, to publish and make known his invention of a machine or watch, for the discovery of the longitude at sea.

XV. An act to prevent occasional freemen from voting at elections of members to serve in parliament for cities and boroughs.

XVI. An act to empower the commissioners or governors of the royal hospital for seamen at Greenwich, after defraying the necessary expenses thereof, to provide for such seamen worn out and

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and become decrepit in the service of their country, who shall not be provided for within the said hospital; and to enable them to receive such pensions as shall be granted them by the said commissioners or governors, in the most easy and convenient manner; and for preventing frauds and abuses attending the same.

XVII. An act for raising a certain sum of money by loans or exchequer bills for the service of the year one thousand seven hundred and sixty-three; and for further appropriating the supplies granted in this session of parliament; and for allowing his Majesty's subjects to import their goods and effects, being the produce of certain places ceded to *France and Spain* by the late treaty of peace, upon payment of the same duties as they would have been liable to, if such places had remained in his Majesty's possession.

XVIII. An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies remaining in the exchequer for the service of the year one thousand seven hundred and sixty-three.

XIX. An act for the more easy and speedy recovery of small debts within the hundreds of *Bratford, Mulksham, and Ifford-down*, in the county of *Wilts*.

XX. An act for permitting the importation, from *Ireland*, of stale and dirty butter, not fit for eating, commonly called *grease butter*.

XXI. An act for explaining, amending, and rendering more effectual, an act made in the nineteenth year of the reign of King *Henry the Seventh*, intituled, "*Six works*."

XXII. An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making seizures, and for the prevention of the clandestine running of goods into any part of his Majesty's dominions.

XXIII. An act to explain, amend, and render more effectual, an act made in the last session of parliament, intituled, *An act for paving, cleaning, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloombury, that part of the parish of Saint Andrew's Holbourn which lies in the county of Middlesex, the two liberties of the Rolls and Savoy, and that part of the county of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein; and for other purposes therein mentioned.*

XXIV. An act to prevent fraudulent and occasional votes in the elections of knights of the shire, and of members for cities and towns which are counties of themselves, so far as relates to the right of voting by virtue of an annuity or rent charge.

XXV. An act to continue and amend two acts made in the twenty-first and twenty eighth years of his late Majesty's reign, for encouraging the making of indigo in the *British* plantations in *America*; and for extending the provisions of an act of the thirtieth year of his late Majesty's reign, with respect to bring-

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ing prize goods into this kingdom, to *Spanish* prize goods taken since the late declaration of war with *Spain*.

XXVI. An act to continue and render more effectual two acts of parliament for repairing the roads from *Lemsford Mill*, through *Welwyn* and *Stevenage*, and by *Cory's Mill*, to *Hitchin*; and from *Wilwyn*, through *Codicot*, to *Hitchin*, in the county of *Hertford*.

XXVII. An act to continue and render more effectual two acts of parliament for repairing and widening the road leading from the *Black Bull Inn* in *Dunstable*, in the county of *Bedford*, to the way turning out of the said road up to *Shafford House*, in the county of *Hertford*.

XXVIII. An act for continuing an act passed in the eleventh year of his late majesty King *George the Second*, intituled, *An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, vendid, tapped, or sold, within the town of Aberbrothock, and liberties thereof*.

XXIX. An act for enlarging the term and powers granted by two acts of parliament of the sixth and twelfth years of his late Majesty's reign, for repairing the road from *Fyfield* in the county of *Berks*, to *Saint John's Bridge* in the county of *Gloucester*, and from an inn called the *Hind's Head*, in the parish of *Kington Pagpuze* in the said county of *Berks*, to that part of *Newbridge* which stands in the said county of *Berks*; and for rendering the said acts more effectual.

XXX. An act to enlarge the term and powers granted by an act made in the eighteenth year of the reign of his late majesty King *George the Second*, intituled, *An act to repair and widen the road leading from Godmanchester in the county of Huntingdon, through Fen Stanton and Cambridge, to the first rubbing house on Newmarket Heath, in the county of Cambridge*.

XXXI. An act for repairing and widening the road from a place called *Nightingales*, in the township of *Heath Charnock*, to the hudge at the west end of the town of *Bolton* in the *Moors*, in the county palatine of *Lancaster*.

XXXII. An act for repairing the road from *Newmarket*, over *Newmarket Heath*, to the turnpike road leading to *Stump Cross*, in the counties of *Cambridge* and *Suffolk*.

XXXIII. An act for repairing, widening, and keeping in repair, the road from *Kirkby Kendall*, in the county of *Westmoreland*, to *Kirkby Lonsdale*, in the county of *Lancaster*.

XXXIV. An act for repairing, widening, and keeping in repair, the high road leading from the fourteen mile stone, in the parish of *Albury*, in the county of *Carmarthen*, through *Llanidloes*, to *Llanidloes Green*, in the parish of *Llanidloes*; and from thence by *Gledfuleh*, and over *Duhys Bridge*, to the town of *Llanidloes*; and from the said town along the post road, by *Rhuyradar*, through the county borough of *Carmarthen*, and village of *Saint Clears*, to *Tavern Spite*, in the parish of *Kiffy*, at the borders of the county of *Pembroke*.

XXXV. An

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**XXXV.** An act for repairing, widening, and keeping in repair, several roads leading from the town of *Barnstable*, in the county of *Devon*.

**XXXVI.** An act for repairing, widening, turning, and keeping in repair, the road from the town of *Cambridge* to *Ely*, and from thence to *Soham*; and for building a bridge cross the river *Ouze*, at or near a place called *Strettham Ferry*, in the county of *Cambridge*.

**XXXVII.** An act to continue and render more effectual several acts of parliament for repairing the road from *Highgate Gate-house*, in the county of *Middlesex*, to *Barnet Block-house*, in the county of *Hertford*; and the road from the *Bear Inn* in *Hadley*, to the *Angel* in *Enfield Chase*; and also *Canewood Lane*, leading from *Highgate* to *Hampstead*, in the said county of *Middlesex*; and for repairing and widening the road, being part of the great *North Road* from *London*, beginning at *Barnet Blockhouse*, and ending at the *Bear Inn* in *Hadley* aforesaid.

**XXXVIII.** An act for amending and widening several roads leading from or near the north end of the town and borough of *Totnes*, in the county of *Devon*.

**XXXIX.** An act for making a navigation from the river *Humber*, by a canal or cut, at or near *Tetney Haven*, to the river *Lutli*, in the parish of *Stampham*, in the county of *Lincoln*; and for continuing the said navigation in or near the said river, from thence, to or near the town of *Leuch*, in the said county.

**XI.** An act for maintaining, regulating, and employing the poor within the parish of *Saint Matthew Berthel Green*, in the county of *Middlesex*.

**XII.** An act for paving, lighting, and cleansing the city of *Greenwich*, and its suburbs, for preventing annoyances therein; and for better ordering the publick wells and pumps there.

**XLII.** An act for continuing the duties, and enlarging the powers, granted by two acts made in the fifth and twenty-fifth years of his late Majesty's reign, for enlarging the pier and harbour of *Scarborough* in the county of *York*.

**XLIII.** An act for repairing, widening, and keeping in repair, the road leading from the turnpike road, between *Offwell* and *Wrexham*, at or near *Whithurst's House*, through *Llangollen*, to the most proper and commodious joining of the turnpike road leading from *Wrexham* to *Ruthin*, at or near *Town and Dwyer*; and from *Llangollen* aforesaid, through *Acre Fair* and *Gallery*, to the *Finger Post*, at the joining of the road leading from *Offwell* to *Wrexham* in the county of *Denbigh*.

**XLIV.** An act for repairing and widening the road, and opening a communication, from the house of *Thomas Hughes* esquire, adjoining to *Helen Minerva*, to *Farm*; and across the old post road in *Counthill-faban*, to a house at *Nant y Moch*, in *Bagillt*, in the occupation of *Thomas Gibb*, in the county of *Flint*.

**XLV.** An act for repairing and widening the road from *Lawton*, in the county of *Chester*, to *Penn* and *Newcastle under Lyne*, in the county of *Stafford*, and of roads therein mentioned.

**XLVI.** An

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XLVI. An act to continue the term, and enlarge the powers of several acts of parliament for repairing the roads from *Maidenhead Bridge to Reading*; and from the said bridge to *Henley Bridge*, in the county of *Berks*.

XLVII. An act to enlarge the term and powers of two acts passed in the first and twelfth years of the reign of his late majesty King *George the Second*, for repairing the road from the powder mills on *Hounslow Heath*, in the county of *Middlesex*, to a place called *Basingstone*, near the town of *Bagshot*, in the parish of *Windlesham*, in the county of *Surrey*.

XLVIII. An act for the better cleansing and enlightening the streets, lanes, and publick ways, of the city of *York*, and the suburbs thereof, and of the liberty of *Saint Peter* within the said city; and for keeping the same in repair and free from annoyance; and for regulating the hackney coachmen and chairmen, carmen and draymen, within the same.

XLIX. An act for taking down the parish church of *Saint Andrew*, in the city of *Canterbury*; and for building a new church in a more convenient place.

L. An act for vesting certain parcels of land in *Paddington*, in the county of *Middlesex*, in the rector and churchwardens of the parish of *Saint George Hanover Square*, in the said county; and appropriating the same for a burial ground for the said parish.

LI. An act to amend and render more effectual so much of an act passed in the last session of parliament, intituled, *An act for amending and widening the road from the market house in Stourbridge, to Colley Gate, in Cradley, and from Pedmore to Holly Hall, and from Colley Gate to Halelowen, and from the turnpike road on Dudley Wood to Rednall Green, in the parish of King's Norton, and from Carter's Lane to the Bell Inn at Northfield, in the counties of Worcester, Stafford, and Salop*, as relates to the road from the turnpike road on *Dudley Wood to Rednall Green*, and from *Carter's Lane to the Bell Inn at Northfield*.

LII. An act for amending and widening the roads leading from *New Strat and Pig Street*, in *Pewryn*, in the county of *Cornwall*, to *Redruth*, in the same county.

LIII. An act for maintaining, regulating, and employing the poor within the parish of *Saint Mary Whitechapel*, in the county of *Middlesex*; for cleansing and lighting the squares, streets, lanes, alleys, courts, yards, and other open passages and places, and regulating and keeping a nightly watch, within such parts of the said parish as are not within the liberties of the tower of *London*, or city of *London*; and to enable the parishioners to raise money to defray the expences of repairing the said parish church.

LIV. An act for the better and more easy rebuilding of the town of *Wotton*, in the county of *Derby*; and for determining differences touching houses and buildings burnt down or demolished by reason of the late dreadful fire there, and for preventing future danger by fire.

• LV. An

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LV. An act for lighting the streets and other places, and maintaining a regular and nightly watch, within the town and county of the town of *Newcastle upon Tyne*; and for regulating the hackney coachmen and chairmen, cartmen, porters, and watermen within the same.

LVI. An act for the better paving of the streets, and for preventing nuisances and other annoyances in the town of *Gosport*, in the county of *Southampton*.

LVII. An act for continuing and enlarging the term and powers of an act made in thirty-second year of the reign of his late majesty King *George the Second*, for repairing and widening the road from the town of *Derby*, to the town of *Newcastle under Lyne*, in the county of *Stafford*; and for repairing and widening the road from *Cliffebank* to *Snape Marsh*, in the village of *Shelton*, in the county of *Stafford*.

LVIII. An act to continue the term and enlarge the powers of two acts of parliament, for repairing the highways from *Whitechapel church*, in the county of *Middlesex*, to *Woodford*, in the county of *Essex*; and for enlightening and watching part of the said highway from *Whitechapel church* to *Stratford*; and for repairing the road through the parishes of *Chigwell* and *Lambourn*, in the county of *Essex*.

LIX. An act for repairing and widening the road leading from the town of *Stafford* to *Sandon*, in the county of *Stafford*; and several other roads in the counties of *Salop* and *Stafford*.

## P R I V A T E A C T S.

AN act to enable the right honourable *Henry Fox*, to take, in *Great Britain*, the oaths of office, as writer of the tallies and counter tallies, and clerk of the pells, in the receipt of the exchequer, in the kingdom of *Ireland*; and to qualify himself for the enjoyment of the said offices.

2. An act for naturalizing *Jeremiah Meyer*.

3. An act for naturalizing *John Vander Meulen*.

4. An act for naturalizing *Adolph Boon*, *James Des Cotes*, *Anthony Francis Haldimand*, *Samuel Boucks*, and *John Werner Faesch*.

5. An act for naturalizing *David Wolpman*, *John Siri*, *Francis Philip Fatio*, *David Plantier*, *William Stafford*, and *Francis De-len*.

6. An act to enable *John earl of Sandwich*, *Robert Nugent* esquire, and *Richard Rigby* esquire, to take in *Great Britain*, the oath of office, as vice treasurer, and receiver-general, and paymaster-general of all his Majesty's revenues in the kingdom of *Ireland*, and to qualify themselves for the enjoyment of the said offices.

7. An

## A TABLE of the STATUTES.

7. An act for extinguishing the right of average in and upon all the ancient inclosures, in the township of *Clifton*, in the county of *York*, and in *Bootham* in the suburbs of the city of *York*; and for dividing and inclosing the common and moor of *Clifton* aforesaid.

8. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and waste grounds, in the manor and parish of *Woodford*, in the county of *Northampton*.

9. An act for dividing and inclosing the open and common fields, heath and waste grounds, within the manor and parish of *Grestham*, in the county of *Rutland*.

10. An act for enlarging the times appointed by an act passed in the second year of the reign of his present Majesty, for dividing and inclosing a certain moor or common, within the manor of *Evenwood*, and chapelry of *Saint Helen's Auckland*, and county of *Durham*, for certain arbitrators therein named to make their awards; and for certain commissioners therein mentioned, to set out, divide, and allot, the said moor or common.

11. An act for dividing and inclosing the common fields, common meadows, common pastures, common grounds, and commonable lands, in the manor of *Draycott*, in the parish of *Wilne*, in the county of *Derby*.

12. An act for dividing and inclosing the several open and common fields, common meadows, commons, and waste grounds, within the manor and parish of *Strecton*, in the county of *Derby*.

13. An act for dividing and inclosing several commons and waste grounds, within the manor and township of *Lowton*, in the county of *Lancaster*.

14. An act for dividing, inclosing, and allotting, the commons and waste grounds, moss rooms, and parcels of moss grounds, within the manor and township of *Ajley*, in the county palatine of *Lancaster*.

15. An act for inclosing and dividing several lands and grounds in the parish of *Sutton*, in *Holdernefs*, in the county of *York*.

16. An act for inclosing and dividing the common fields and pasturage ground, in the manor and parish of *Wellington*, in the county of *Lincoln*.

17. An act for explaining and amending a power given by the marriage settlement of *Nathanael Neal* gentleman, and *Elizabeth* his wife; and for making the same more effectual, for the benefit of the children of that marriage.

18. An act for vesting part of the settled estate of *John Lade* the younger, and *Hester* his wife, situate at *Barham*, in the county of *Kent*, in trustees, to be sold; and for laying out the money, to arise by such sale, in the purchase of other lands, to be settled to the same uses.

19. An act to dissolve the marriage of *William Hazeland* clerk,

## A TABLE of the STATUTES.

clerk, with *Mary Walley* his now wife, and to enable him to marry again, and for other purposes therein mentioned

20 An act for enabling *Anne Barbara Hill Medlycott*, to take and use the surname and arms of *Medlycott*, pursuant to the will of *Thomas Medlycott* esquire, deceased.

21 An act for naturalizing *Frederick Rieffen*

22 An act for naturalizing *Joshua Chill*, an infant, of the age of nine years.

23 An act for naturalizing *Samuel Clouet*, *John Francis Guerin el Bize*, and *Samuel Grillet*.

24 An act for naturalizing *Abraham Huber*

25 An act for naturalizing *Rodolff Nicholas Chaillet*, and *Abraham Du Bois*.

26 An act for naturalizing *John D Orville*, *Michael Heggend*, *John Volhard Kettler*, *Cornelius Gerhard Kettler*, and *James Shedel*

27 An act for vesting certain lands, tenements, rents, and hereditaments, in the parish of *Trerick*, in the county of *Devon*, and elsewhere, in his grace *John duke of Beaufort*, and for settling and assuring, in lieu thereof, a rent charge of greater value, to be issuing out of lands and tenements belonging to the said duke, for the purposes in the bill mentioned

28 An act for dividing and inclosing several open and common fields, lands, and waste grounds, within the manor and parish of *Pittin*, in the county of *Worcester*

29 An act for dividing and inclosing the open and common fields, common meadows, and commonable lands, within the parish of *Chilsworth*, in the county of *Gloucester*.

30 An act for dividing and inclosing the common field, pastures, and common grounds, in the chapelry and lordship of *Manflut*, in *Holderness*, in the county of *York*

31 An act for dividing and inclosing the commons, common pastures, and common fields, in the manor of *Litton*, in the parish of *Tilsworth*, in the county of *Derby*

32 An act for dividing and allotting certain open fields, meadows, and stinted pastures, in the township and parish of *Pilham*, in the county of *Lincoln*

33 An act for dividing and inclosing *Street Common*, within the manor and parish of *Stone*, in the county of *Worcester*

34 An act for dividing and inclosing the open and common fields in the township of *Minton*, in the county of *Oxford*, and for making a compensation for common of pasture, and tithes arising therein

35 An act to enable the master, fellows, and scholars, of the college of *Christ Church*, in the university of *Oxford*, to alter and vary the benefactions of doctor *Hytch*, and to appropriate the same for the benefit of the said college, in the augmentation of the vicarages of *East*, with *Ticeford* and *Green Green*, in the counties of *Bristol* and *Hunt*

36 An act to enable the master, fellows, and scholars of *Jesus College*, in the university of *Cambridge*, to alter and vary



## A TABLE of the STATUTES.

the benefaction of doctor *Edmund Proby*, and Sir *Thomas Proby*; and to appropriate the same for the benefit of the said college, in the augmentation of several small rectories and vicarages.

37. An act for vesting certain lands in the counties of *Essex* and *Cambridge*, belonging to the master, fellows, and scholars, of the college called *Jesus' College*, in the university of *Cambridge*, in Sir *William Moynard* baronet, and his heirs.

38. An act for vesting part of the settled estates of *Samuel Dethlefsen* esquire, in trustees, for raising money to pay debts and incumbrances; and for providing an equivalent or compensation for the same, to the issue inheritable under his marriage settlement.

39. An act for vesting several messuages, lands, and tenements, late the estate of *James Foye* esquire, deceased, situate in the parish of *Saint Mary le Strand*, in the county of *Middlesex*, in new trustees; and to enable them to make building leases thereof.

40. An act for sale of certain messuages, lands, and tenements, in *North Cerney*, in the county of *Gloucester*, late the estate of *Edmund Packer* *Rich*, pursuant to an agreement; and for applying the purchase-money in discharging incumbrances affecting the same; and for the benefit of *Thomas Rich*, his son and heir, an infant.

41. An act for dividing and inclosing the common moor or waste ground, within the hamlet of *Houghton*, in the parish of *Hulstree*, in the county of *Derby*.

42. An act for dividing and inclosing several common fields and grounds, within the parish of *Ganton*, in the county of *Lincoln*.

43. An act for carrying into execution, an agreement entered into between the governor and company of undertakers for raising the *Flames Water*, in *York Buildings*, the trustees for annuities on lives, *William Luk* esquire, his grace *Edward* duke of *Northumberland*, and partners, Sir *Andrew Chetwick* knight, and the reverend *Samuel Greave* clerk, all real creditors of the said governor and company; and for authorizing and directing the court of session in *Scotland*, to proceed to a sale of such parts of the estates of *Mr. Sibbald*, *Pannier*, *Smith*, and others, pursuant to the said agreement, as were leased to Sir *Archibald Grant* baronet, and *Alexander Garden* esquire.

44. An act to discharge certain manors and lands, in the county of *Bucks*, the estates of the most noble *George* duke of *Bucks*, from certain trusts and agreements created and entered into by the said duke, whereby the said estates were to be settled on lord *Charles Spencer*, brother to the said duke, and his issue, in strict settlement; and for settling other lands and hereditaments, in the county of *Oxford*, in lieu thereof; and likewise for varying, and carrying into execution certain other trusts and agreements of the said duke, for the making a settlement of certain manors and lands, in the county of *Lincoln*, upon lord *Robert Spencer*, now an infant, another brother

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of the said duke, and his issue, in like strict settlement; and for other purposes.

45. An act to enable his Majesty to grant certain estates, devised by the will of *Henry* late lord *Colerane*, in the kingdom of *Ireland*, deceased, to trustees, in trust for *Henrietta Rosa Peregrina Hare*, and her heirs, subject to the uses, limitations, and provisions, mentioned in the said will; and to two annuities payable to *Rose Duplessis*: and also to certain sums payable to *Robert Knight*, and to *Henry Knight*, and *Anne* the wife of *William Bassett*; and for other purposes in the said act mentioned.

46. An act for authorizing the executors of *John Hope* to assign to trustees, twenty thousand pounds of the stock or capital therein mentioned, part of the marriage portion of *Jane* the wife of *John Paterson* esquire, to be employed in manner and for the purposes therein expressed.



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THE  
**Statutes at Large,**

*Anno tertio* GEORGII III. Regis ;

Being the SECOND Session of the

Twelfth Parliament of GREAT BRITAIN.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

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# STATUTES at Large, &c.

Anno tertio GEORGII III. Regis.

## CAP. I.

*An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three.*

*The same as for the last year (except as follows.)*

§ XXXV. **T**HE bills to be placed as cash in the exchequer, and to be v 1 Geo 3 c. 4.  
 issuable thereout in common with other monies, and to be current in the revenue Receivers to exchange bills for ready money. Tallies to be levied for bills lent into the exchequer — Interest to continue till payment. Interest to cease, whilst the bills are in the hands of receivers, &c — Bills paid to receivers, &c to be signed and dated. Interest to be allowed to the said days — The bills may be re issued, both for principal and interest — Receivers to keep a book. Bills filled up by indorsements, or delayed to be exchanged — Bills not exceeding 5000l each, to be made forth at the exchequer — Forging exchequer bills felony. — How the monies arising by this act shall be applied — Treasury on 29 Sept 1764, to take an account of all monies raised and discharged — Unsatisfied monies to be paid out of the next aid, or out of the sinking fund — Commissioners to appoint to pay off principal sums, which shall from time to time be in course of payment upon exchequer bills — Money, as brought in, to be paid to the paymasters, — Bills to be registered in course — When interest to cease. — Paymasters liable to the controul of the treasury — Treasury to settle salaries of clerks, &c and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament may lower or raise the interest with consent of the treasury — Contractors how to be paid — No fee to be taken — No interest for less than one penny — Charges to be paid out of the sinking fund — To be replaced out of the first supplies — Clause of relief for bills lost or destroyed — Bills discharged to be cancelled — Sinking fund appropriated to discharge national debts incurred before 25 Dec 1716 — Deficiency of malt tax 1 Geo III how to be supplied — Arrears of former duties to be applied in aid of the supplies granted for the year 1763

## CAP. II.

*An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty-three.*

(*The same as in the last year*) — Four shillings in the pound — Com- v 1 Geo 3 c. 3.  
 missioners of the land tax for the year 1762 to put this act in execution. — Clause in the malt tax act relating to exchequer bills extended to this. — The monies arising by this act shall be applied to discharge the said bills, &c — The treasury on 29 Sept 1764, to take an account of all monies raised and discharged — Unsatisfied monies to be paid out of the next aid, or out of the sinking fund — Deficiencies of the malt tax 1 Geo III if not arisen on account of the said aid before 29 Sept 1763, to be supplied out of any of the monies or loans appropriated for the service of the year 1763

## CAP. III.

*An act for the regulation of his Majesty's marine forces while on shore.*

The same as for the last year. v. 2 Geo. 3. c. 12.

## CAP. IV.

*An act for rectifying mistakes in the names of several of the commissioners appointed by an act made in the last session of parliament, to put in execution an act made in the same session, intituled, An act for granting an aid to his Majesty by a land-tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty two; and for appointing other commissioners, together with those named in the first mentioned-act, to put in execution an act of this session of parliament, for granting an aid to his Majesty by a land-tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty-three.*

## CAP. V.

*An act to indemnify such as have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, deputy lieutenants, and officers of the militia, or others, who have omitted to register or declare in their qualifications within the time limited by law, and for giving further time for those purposes; and for the making and filing of affidavits of articles of clerkship.*

Further time allowed to 28 Nov 1763, under the same circumstances, as in the last year. v. 2 Geo 3 c 23.

## CAP. VI.

*An act for explaining and amending an act made in the thirty first year of the reign of his late Majesty King George the Second, intituled, An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread; so far as the same relates to that part of Great Britain called Scotland; and for rendering the said act more effectual in that part of the united kingdom*

Prescrib.

**W**HILREAS by an act of parliament made in the thirty-first year of the reign of his late Majesty King George the Second, intituled, An act for the due making of bread, and to regulate the price and assize thereof, and to punish persons who shall adulterate meal, flour, or bread; certain powers are granted to the several courts, magistrates, and justices of the peace there mentioned,

inned, to set, ascertain, and appoint, the ~~affize~~ and weights of bread which shall be made for sale, or exposed to sale, and the price to be paid for the same respectively, within the bounds of their several jurisdictions, from time to time, as they shall think proper and it is thereby enacted, That in every assize of bread which will be so set and appointed, respect shall, from time to time, be had to the price which the grain, meal, or flour, whereof such bread shall be made, shall bear in the publick market or markets in or near the publick place or places for which any such assize shall be so, at any time, set; and, for ascertaining such price of grain, meal, or flour, from time to time, the several courts, or justices, and justices of the peace therein mentioned, are thereby empowered, from time to time, as they shall be occasion, within their respective jurisdictions, to cause the respective prices which the several sorts of grain, meal, and flour, shall, from time to time, bona fide, sell for in such publick markets, to be given in and certified upon oath unto such court, magistrates, or justices of the peace respectively, within their several jurisdictions, by the clerk of the market, or by such person or persons, and in such manner, and on such day of the week, as they shall respectively appoint within their several jurisdictions, and the price which shall be so certified, shall from time to time, be entered by the respective person or persons who shall certify the same, in a book or books to be provided and kept by him or them for that purpose, in the form and manner as therein directed and where is the above method of ascertaining the price of wheat and rye, and the flour and meal made of those grains, not to be place within that part of Great Britain called Scotland, by reason that there are few publick markets for such grain, flour, or meal, within that part of the united kingdom, and where there are publick markets for grain, flour, or meal of any kind, there is no such deficiency of the market, who can certify to the magistrates or justices of the place the respective prices which the several sorts of grain, meal, and flour, sell for in such publick markets, whereby the said assize, and execution of the said act in that part of the united kingdom, is prevented and to be supplied within that part thereof called Scotland for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That Magistrates and justices to enquire into, and take proof of the prices which the several sorts of bread from time to time, and to often as they shall judge proper, within their respective jurisdictions, to enquire into and take proof of the prices, which the several sorts of grain, meal, and flour, fit and proper to make the several sorts of bread which shall be allowed to be made by them, shall cause the same to be sold for in the publick markets in or near the city, borough, or place, for which they are respectively authorized to set the assize of bread,



and where there are no publick markets, then to take proof of the present or last selling price thereof;

so as to ascertain the price the same costs the baker;

they giving previous notice to the deacon of the bakers company, or to a reputable baker, to attend the taking of such proof.

The proof to proceed upon the oaths of a witness conversant in the prices;

who may be summoned, and compelled to appear, and give evidence;

so as they be not obliged to travel above 5 miles from home.

Evidence to be ingrossed in a book,

bread; or where there are no publick markets for any particular species of grain, meal, or flour, in or near such city, borough, or place, to enquire into and take proof of the present or last selling price of such species of grain, meal, or flour, whether of the growth of the country or brought from distant places; to which selling price or prime cost shall be added such an allowance for the expence and risk of carriage or transportation, as, from the enquiry and proof, shall, to the said magistrates and justices of the peace appear just and reasonable; so as that the price of such grain, meal, or flour, be, from time to time, ascertained according to what those several species do or may truly cost the bakers before they can manufacture the same into bread.

II. And be it further enacted by the authority aforesaid, That previous to the proof to be taken in the several cases aforesaid, notice in writing shall be given to the deacon of the incorporation of bakers, or, where there is no such incorporation to any two reputable bakers within the city, borough, or place, where such proof is to be taken, forty eight hours at least before taking the same, to the end that the makers of bread within such city, borough, or place, may, if they think proper, attend the taking such proof, and suggest such questions, as may be proper to be put to the witnesses summoned by the magistrates or justices of the peace respectively, or offer such other witnesses or evidence, as may appear proper for proving the prices of the grain, meal, or flour in question.

III. And be it further enacted by the authority aforesaid, That such proof shall only proceed upon the oaths of two or more credible witnesses, conversant in the prices of the several sorts of grain, meal, or flour, which shall be the subject of such enquiry, or by writing legally proved; and that it shall and may be lawful to the said magistrates and justices of the peace within their respective jurisdictions, to summon such person or persons as to them shall appear most proper for that purpose, and to compel them to appear, and give their evidence; and that either by such remedies, and under such penalties, as are provided by the said act, in the case of persons duly summoned to give evidence, touching the rates and prices of the several sorts of grain, meal, and flour, where the return of the prices of such grain, meal, or flour, shall be suspected as not truly and bona fide made, or by such remedies as are competent by the common law of Scotland, for compelling witnesses to appear and give evidence in any judicial trial, before a competent court.

IV. Provided always, That the person or persons so summoned, be not obliged to travel above five miles from the place of his, her, or their abode.

V. And be it further enacted by the authority aforesaid, That the whole evidence to be taken as above, shall be fairly ingrossed in a book to be kept for that purpose, by the town clerks of the several cities and boroughs, where such proofs shall be taken by the magistrates, or by the clerk of the peace where the proof shall be taken by the justices of the peace; and

and the evidence as taken down in such book shall be duly signed by the several witnesses, and by the magistrates or justices of the peace who shall take the same respectively, according to the practice of the law of *Scotland*; and that so often as such proof shall be taken; the magistrates or justices of the peace, before whom the same shall be taken respectively, shall, immediately after closing the evidence, or as soon as it can conveniently be done, declare the prices of the several kinds of grain, meal, or flour, concerning which the enquiry has been made, according as these shall appear to them to be proved, from considering the whole evidence, and which declaration shall be ingrossed in the book appointed to be kept as aforesaid, immediately after the evidence, and shall be signed by the magistrates or justices of the peace respectively, before whom such proof shall be taken; and which book containing the evidence and declaration aforesaid, shall be open, and patent, to the inspection of the makers of bread, and all other persons, without fee or reward; and shall, to all intents and purposes, be deemed and taken to be, equivalent to the returns or certificates of the market prices of all kinds of grain, meal, or flour, appointed to be taken by the said act: and the magistrates and justices of the peace in that part of *Great Britain* called *Scotland*, shall thereupon proceed to set, ascertain, and appoint, the assize and weight of all sorts of bread, which shall be made for sale, or exposed to sale, and the price to be paid for the same, within their respective jurisdictions, when and as often, from time to time, as they shall think fit, according to the directions, and agreeable to the tables enacted and referred to by the said act.

and signed by the witnesses, and magistrates taking the same;

and the respective prices to be declared,

and entered in the said book, and signed by the magistrates;

which is to be free to publick inspection.

The assize and weight of bread for sale, to be ascertained according thereto.

VI. Provided always, and be it enacted by the authority aforesaid, That when and so often as any assize of bread shall be set, ascertained, and appointed, for any city, borough, or place, within that part of *Great Britain* called *Scotland*, by the magistrates or justices of the peace empowered for that purpose, such assize shall not be limited to endure for any certain time, but shall continue and stand in force until a new assize of bread be set, ascertained, and appointed, by the said magistrates or justices of the peace, for such city, borough, or place respectively; any thing in the aforesaid act of the thirty-first year of the reign of his late Majesty, to the contrary notwithstanding.

The assize not liable to be varied, but to continue in force till a new one is made

VII. And be it further enacted by the authority aforesaid, That upon an application in writing by any two or more of the inhabitants or bakers, within any city, borough, or county, where such assize of bread shall be set, to the magistrates or justices of the peace who set the last assize, or to the magistrates or justices of the peace of such city, borough, or county, for the time being, setting forth, and offering to prove, by proper evidence, that the price of any of the species of grain before-mentioned, has rose or fallen since the last assize of bread was set, so as to authorize an alteration of such last assize, according to the aforesaid act of his late Majesty, and tables therein referred to; in every such case, the magistrates or justices of the peace, to whom such application

Upon application and proved a sufficient variation of the price of any species of the said grain, has risen or fallen, assize.

plication shall be made, shall within their respective jurisdictions, be obliged to take evidence of the then current prices, in the manner before directed; and if, upon advising such proof, they shall find such a variation of the prices since the last assize, as is described in the said act, they shall immediately set and ascertain a new assize of bread, which shall remain till altered agreeable to the directions herein before given.

*fresh evidence is to be taken of the current price, and a new assize to be made conformable thereto.*

VIII. And be it further enacted by the authority aforesaid, That in case any person or persons shall be convicted of any of the offences mentioned in the said act, or in this present act, before any magistrate or magistrates, justice or justices of the peace, in that part of *Great Britain* called *Scotland*, such conviction shall proceed and be drawn up in the form commonly used and practised before such magistrates or justices of the peace, in convictions for other offences of the like nature; any thing in the said act to the contrary notwithstanding.

IX. And whereas it may happen, that the magistrates of some of the cities or boroughs in that part of *Great Britain* called *Scotland*, may neglect to execute the powers committed to them, or setting and appointing the assize of bread, within their respective cities and boroughs; be it therefore enacted by the authority aforesaid, That in case of such neglect of the magistrates of any such city or borough, to set an assize of bread, or to alter any former assize set by them by a new assize, when such alteration in the price of wheat or other grain shall occur as is sufficient to authorize an alteration of the last assize of bread according to the said act, it shall and may be lawful for any two or more of the justices of the peace, of the county with which each city or borough lies, to require the chief magistrate of such city or borough, by a writing under their hands, to let the assize of bread, or to alter any former assize of bread, according as the case shall occur; and in case such chief magistrate, or the other magistrates of the said city or borough, shall refuse or neglect, for the space of ten days after such requisition, to let such assize, or to alter any assize then in force, when the alteration of the price of wheat or other grain does permit the same, then and in every such case any two or more justices of the peace of such county shall have power, and are hereby authorized, after taking proof of the prices of the several kinds of grain, meal, or flour, in manner above directed, to set, ascertain and appoint, an assize of bread for such city or borough, which shall remain in full force until altered by the magistrates thereof, or, in case of their neglect, by any two or more of the said justices of peace.

*a justices of the county, &c. may require them to set or alter the same; and on their neglect to comply therewith, within ten days, they may then settle such assize themselves.*

*The recited act, where not altered by this act, extend to Scotland in force within Scotland.*

X. And be it further enacted by the authority aforesaid, That every clause, matter, and thing, contained in the aforesaid act of the thirty-first year of his late Majesty's reign, shall remain and continue in full force, in that part of the kingdom of *Great Britain* called *Scotland*, except in so far as the same is altered by this act.

## CAP. VII.

*An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.*

The same as in the last year. v. 2 Geo. 3. c. 2.

## CAP. VIII.

*An act to enable such officers, mariners, and soldiers, as have been in the land or sea-service, or in the marines, since the twenty-second year of his late majesty King George the Second, to exercise trades.*

WHEREAS there hath been, and are, divers officers, mariners, Preamble.

soldiers, and marines, who have served his late Majesty, or his present Majesty, in the late wars by sea and land, some of which are men that used trades, others that were apprentices to trades, who had not served out their times, and others, who by their own industry, have made themselves apt and fit for trades: many of which, the wars being now ended, would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make use of, for the getting their living by their own labour, but are or may be hindered from exercising those trades in certain cities and corporations, and other places within this kingdom, because of certain by-laws and customs of those places, and of the statute made in the fifth year of queen Elizabeth, prohibiting the use of certain trades by any person who hath not served as an apprentice to such trade for the space of seven years: 5 Eliz.

for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such officers, mariners, soldiers, and marines, who have been at any time employed in the service of his late Majesty, or of his present Majesty, since the twenty-ninth day of November, in the year of our Lord one thousand seven hundred and forty-eight, and have not since deserted the said service; and also the wives and children of such officers, mariners, soldiers, and marines; may set up and exercise such trades as they are apt and able for, in any town or place within the kingdoms of Great Britain and Ireland, without any let, suit or molestation, or any person or persons whatsoever, for or by reason of the using of such trade: nor shall such officers, mariners, soldiers, or marines, or their wives or children, during the time they shall exercise such trades, be removable from such respective place or places, to his, her, or their last legal place of settlement, by virtue of any law now in being relative to the settlement of the poor, until such person or persons shall become actually chargeable to such parish or place; and if any such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of any such officer, mariner, soldier, or marine, who shall be sued, impleaded, or indicted in any court whatsoever, within this kingdom, for using or exercising any such trades as aforesaid, then the said officer or officers, mariner or mariners, soldier or soldiers, marine or marines, shall not be liable to their last

Officers, mariners, soldiers, and marines, who have been at any time employed in the King's service since 29. Nov. 1748, and have not since deserted, and all the wives and children of such, are authorized to set up and exercise trades within any parts of Great Britain or Ireland, without let;

and without being liable to be removed from thence and then to their last

legal place of settlement, until they become actually chargeable to the parish; and if sued, upon pleading the general issue, they shall be acquitted,

and be paid double costs of suit.

Where any two justices for the county or place where they shall so set up, shall summon them to give evidence as to the place of their last legal settlement,

they shall make oath accordingly;

an attested copy whereof shall be given them, which shall be

and if summoned again, they shall not be obliged to take a fresh oath, but produce the former, or leave a copy thereof.

Privileges of the two universities of Cambridge and Oxford, or either of them; or extend to give liberty to any person

mariner or mariners, soldier or soldiers, marine or marines, or any wife or child of any such officer, mariner, soldier, or marine, making it appear to the same court, where they are so sued, impleaded, or indicted, that they have served his late or present Majesty as aforesaid, or that he, she, or they, is or are the wife or wives, child or children, of such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, who shall have so served his late or present Majesty, shall, upon the general issue pleaded, be found not guilty in any plaint, bill, information or indictment, exhibited against them; and such persons who notwithstanding this act, shall prosecute the said suit, by bill, plaint, information, or indictment, and shall have a verdict p<sup>er</sup> against him, or become nonsuit therein, or discontinue their said suit, such person or persons shall pay unto such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of such officer, mariner, soldier, or marine, respectively, double costs of suit, to be recovered as any other costs at common law may be recovered; and all judges and jurors, before whom any such suit, information, or indictment, shall be brought, and all other persons whatsoever, are to take notice of this present act, and shall conform themselves thereto; any statute, law, ordinance, custom, or provision, to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace for the county, town, or place, where any such officer, mariner, soldier, or marine, shall set up and exercise any trade as aforesaid, to cause such officer, mariner, soldier, or marine, to be summoned before them in the town or place where such officer, mariner, soldier, or marine, shall set up and exercise such trade as aforesaid, in order to make oath of the place of his last legal settlement (which oath the said justices are hereby empowered to administer) and such officer, mariner, soldier, or marine, are hereby directed to obey such summons, and to make oath accordingly; and such justices are hereby required to give an attested copy of such affidavit so made before them, to the person making the same, in order that he may produce it when required; which attested copy shall at any time be admitted as evidence as to such last legal settlement, before any of his Majesty's justices of the peace at any general or quarter sessions of the peace.

III. Provided always, That in case any such officer, mariner, soldier, or marine, shall again be summoned to make oath as aforesaid, then on such attested copy of the oath by him formerly taken being produced by him or by any other person on his behalf, such officer, mariner, soldier, or marine, shall not be obliged to take any other or further oath with regard to his legal settlement, but shall leave a copy of such attested copy of his examination, if required.

IV. Provided always, That this act shall not in any wise be prejudicial to the privileges of the universities of Cambridge and Oxford, or either of them; or extend to give liberty to any person

to set up the trade of a vintner, or to sell any wine or other liquors within the said universities without licence first had and obtained from the vice-chancellor of the same respectively.

## C A P. IX.

*An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures; and for charging the payment of such annuities on the sinking fund; and making good the same to the said fund, in manner therein mentioned.*

Most gracious sovereign,

**WE**, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, have taken into our serious consideration, that notwithstanding the great supplies which have been granted for carrying on the war, several debts and deficiencies remain unprovided for, particularly upon account of bills payable in course of the navy and victualling offices, and for transports, made out on the thirty-first day of December, one thousand seven hundred and sixty-two, to the amount of three millions seventy five thousand three hundred and sixteen pounds, and three pence; and upon account of debentures payable out of the office of ordnance, which were issued on or before the said thirty-first day of December, one thousand seven hundred and sixty-two, amounting to five hundred ninety five thousand four hundred and twenty-three pounds, two shillings, and five pence: and your Majesty's faithful commons being fully sensible how highly it concerns the honour of your Majesty's government, and the public credit of this kingdom, that the earliest possible provision should be made for discharging these debts, and supplying these deficiencies which have been contracted and incurred in the prosecution of the late hazardous and expensive, but no less glorious and successful war, have resolved, in order to make provision for satisfying all such bills and debentures, to give and grant unto your Majesty such supply as is herein after mentioned, for paying (in lieu of all other interest) an interest or annuity after the rate of four pounds per centum per annum, by half yearly payments, to commence from the twenty-fifth day of March, one thousand seven hundred and sixty-three, for and in respect of the sums payable on the said navy, victualling, and transport bills, and the interest thereupon, and also for the sums payable on the said debentures, until such annuities shall be redeemed and paid off, in manner herein after mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the annuities which by this act shall be granted and made payable, for and in respect of the bills payable in course of the navy and victualling offices, and for transports, and for the debentures payable out of his Majesty's office of ordnance, which were respectively made out or dated on or before the thirty-first day of December, one thousand seven hundred and sixty-two, until the redemption of such annuities by par-

Preamble.

Annuities granted by this act.

par-

payable out of  
the sinking  
fund.

The money to  
be replaced  
out of the next  
aids.

The bills or  
debentures to  
be delivered to  
the treasurers  
of the respec-  
tive offices, on  
or before 25  
March, 1763.

and the inter-  
est upon the  
navy, victual-  
ling, and  
transport  
bills, is to be  
marked at the  
proper offices,  
before delivery  
thereof to the  
treasurer of  
the navy,

and the bills  
to delivered in  
are to be  
marked and  
cancelled by  
him;

parliament in manner hereafter mentioned, shall, from and after the twenty-fifth day of *March*, one thousand seven hundred and sixty-three, be charged and chargeable upon, and payable out of the monies, which from and after the said twenty-fifth day of *March*, one thousand seven hundred and sixty-three, shall from time to time, arise and be in the receipt of his Majesty's exchequer, of or for the surplusses, excesses, or overplus monies, commonly called the *sinking fund* (after paying or reserving sufficient to pay all such sums of money, as have been directed by any former act or acts of parliament, to be paid out of the same) and that the sums so issued out of the said monies commonly called the *sinking fund*, shall be, from time to time, replaced and made good out of the next aids to be granted in parliament, in such manner as is herein after mentioned.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives, or foreigners, bodies politic, or corporate, who shall be possessed of, interested in, or intitled unto, any bill or bills, payable in course out of his Majesty's offices of the navy or victualling, or for transports, or any debenture or debentures payable out of his Majesty's office of ordnance, which were respectively made out or dated in the said respective offices, on or before the thirty-first day of *December*, one thousand seven hundred and sixty-two, to deliver such bill or bill, debenture or debentures, to the respective treasurers of the said offices, to be marked, cancelled, and certified, in such manner as is herein after mentioned. at any time or before the twenty-fifth day of *March*, one thousand seven hundred and sixty-three, and at such place or places as shall have been appointed, by notice given in the *London Gazette*, and other publick papers, for that purpose.

III. Provided always, and be it further enacted by the authority aforesaid, That the interest which shall become due on the said twenty-fifth day of *March*, one thousand seven hundred and sixty-three, for and in respect of such of the said navy, victualling, and transport bills, as bear an interest, shall be computed and marked upon the said bills, at the navy or victualling office respectively, before the same are delivered to the treasurer of his Majesty's navy; and the proper officer and officers of his Majesty's navy office, and victualling office respectively, is and are hereby authorized and required, to compute and mark the interest as aforesaid, upon every such bill, which shall be tendered to him or them for that purpose.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person or persons, natives or foreigners, bodies politic or corporate, who is, are, or shall be, possessed of, interested in, or intitled unto, any such navy, victualling or transport bills, all the said bills, which any such person or persons, bodies politic or corporate, shall, on or before the said twenty-fifth

5th day of *March*, one thousand seven hundred and sixty-three, deliver to such treasurer; and the said treasurer, or his paymaster and cashier, is and are hereby authorized and required to make and cancel every such bill; and certify the same, together with the amount of the interest which shall have been computed and marked as aforesaid upon such of the said bills as bear an interest, to the governor and company of the bank of *England*; and that it also shall and may be lawful to and for the treasurer of his Majesty's office of ordnance in like manner to take in all such debentures payable out of the said office of ordnance, which, on or before the said twenty-fifth day of *March*, one thousand seven hundred and sixty-three, shall be delivered to him; and the said last mentioned treasurer, or his deputy, is hereby authorized and required to cancel the same, and certify every such debenture to the said governor and company of the bank of *England*.

and certified, together with the interest, to the bank.

Treasurer of the ordnance office to cancel the debentures in like manner, and certify the same to the bank.

V. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, who shall deliver any such bill or bills, debenture or debentures, to the said respective treasurers as aforesaid, shall, for the principal sum or sums contained in every such bill or bills, and also for the interest which shall have been computed and marked as aforesaid upon such of the said bills as bear an interest, and also for the principal sum or sums contained in every such debenture or debentures, be respectively intitled to, and have in annuity after the said rate of four pounds *per centum* from the said twenty-fifth day of *March*, one thousand seven hundred and sixty-three, and to be paid and payable to such person or persons, bodies politick or corporate, or such as he, she, or they shall appoint, his, her, or their executors, administrators, successors, or assigns respectively, until the redemption thereof by parliament, in manner herein before mentioned; which said annuity shall be payable half-yearly on two of the most usual days of payment in the year (that is to wit) the twenty-ninth day of *September*, and the twenty-fifth day of *March*; the first payment thereof to become due on the twenty-ninth day of *September*, one thousand seven hundred and sixty-three; and that all persons and corporations intitled to such annuity or annuities aforesaid, and his, her, and their executors, administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible estates and interests in the said annuities, according to the tenor and true meaning of this act, and shall be possessed thereof as of a personal estate, which shall not be descendable to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise; any law, custom, or usage to the contrary notwithstanding; and that all the said annuities shall be free from all taxes, charges, and impositions whatsoever.

Proprietors of the said bills and debentures intitled to an annuity thereon, after the rate of 4l. per cent. per ann. to commence 25 *March*, 1763;

and to be paid half-yearly; viz. on 29 *Sept.* and 25 *March*;

the same to be deemed a personal estate;

and to be tax-free.

VI. And be it further enacted by the authority aforesaid, That upon the delivering in of every such navy, victualling, or transport

The respective treasurers of the navy and



ordnance are to give certificates for the principal sums in the said bills and debentures, and for the interest due on 25 March, 1763.

transport bill, by any person or persons, bodies politick or corporate, the treasurer of his Majesty's navy, or his paymaster and cashier, shall, and they are hereby authorized and required forthwith to give a certificate signed by him or them, for the principal sum or sums contained in every such bill; and also for the interest which shall have been computed and marked as aforesaid, to be due on the said twenty-fifth day of *March*, one thousand seven hundred and sixty-three, upon such of the said bills as bear an interest, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and that upon the delivering in by any person or persons, bodies politick or corporate, of every such debenture or debentures, the treasurer of his Majesty's office of ordnance, or his deputy, shall, and they are hereby authorized and required forthwith to give a certificate signed by the said treasurer or deputy, for the principal sum or sums contained in every such debenture, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and all such certificates shall be assignable by indorsement thereupon made at any time before the twenty-ninth day of *September*, one thousand seven hundred and sixty-three, and no longer; and all such certificates and assignments thereupon shall not be charged with any stamp duties whatsoever; and that the interest so computed and marked on every such bill bearing interest as aforesaid, shall be added to the principal sum contained in every such bill, and the amount of such principal and interest, or the amount of the sum contained in every such bill not bearing interest, and in every such debenture respectively certified in manner before directed, shall be the principal sums for which the person or persons, bodies politick or corporate, delivering such bills or debentures, shall be intitled to an annuity after the said rate of four pounds *per centum per annum*.

which may be assigned by indorsement at any time made before 29 Sept. 1763. Principal and interest to be added together, and made one sum of in the bills and debentures.

Guardians and trustees to deliver up for infants, such bills or debentures as they are intitled to, in consideration of the said annuity.

VII. Provided also, and be it further enacted by the authority aforesaid, That if any infants shall, by the gift, devise, or decease of the parent or other relation of such infants, or otherwise, become intitled to any of the said bills or debentures, in such case the guardian or guardians, trustee or trustees of such infant or infants, shall or may be, and he, she, or they is or are hereby impowered, for the benefit of such infant or infants, to deliver up to such respective treasurers all such of the said bills or debentures to which such infant or infants shall be so intitled; and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to such an annuity as aforesaid; and the said guardian or guardians, trustee or trustees, shall be discharged from the same; any thing herein contained, or any law, usage, or custom to the contrary in any wise notwithstanding.

Executors and trustees of debts to deliver up, in like manner, such bills or

VIII. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who, as executor to, or administrator, trustee, committee of an idiot or lunatick, or persons of unsound mind, depository or mortgagee, shall be or become possessed of, interested in, or intitled unto any

any of the said bills or debentures, shall and may deliver up such bills or debentures as they shall be so possessed of, interested in, or intitled unto, such respective treasurers as aforesaid, and to executors or administrators, the annuities which they shall be intitled to in respect of the said bills or debentures so by them delivered up, shall be the same assets in their hands, as the said bills or debentures were, or would have been, had they not been so delivered up for such annuity as aforesaid, and as to trustees, committees, depositaries, and mortgagees, the annuity which they shall be intitled unto for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to such respective treasurers as aforesaid, shall be subject and liable to the same trusts and equity of redemption, as such bills or debentures were, or would have been, had they not been so delivered up for such annuity as aforesaid.

IX And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England*, and their successors, or such person or persons as they shall appoint for that purpose, and he and they is and are hereby respectively authorized and required to take in and receive all and every of the certificates to be made out in lieu of the said bills and debentures as aforesaid, in pursuance of the directions of this act, and upon the receipt of every such certificate shall, and he and they is and are hereby required forthwith to give credit in a book or books to be prepared for that purpose, for the principal sums contained in every such certificate so brought to him or them as aforesaid, and the persons, bodies politick or corporate, to whose credit such principal sums shall be entered in the said book or books, his, her or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof to any other person or persons, bodies politick or corporate whatsoever, in other books to be prepared and kept for that purpose, and the said governor and company for the time being shall also, on or before the twenty-fourth day of *June*, one thousand seven hundred and sixty-four, transmit an attested duplicate fairly written on paper, of the said book or books first herein before mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever

X And, for the more easy and sure payment of the annuities established by this act, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall, from time to time, until the said annuities shall be redeemed according to this act, appoint and employ one or more sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person within the same office to be their accountant-general, and that so much of the monies from time to time, and at any time, arising or be-

debentures as they are thereby respectively intitled to, the annuities to be the same assets,

and liable to the same trusts, as the bills, &c

Bank to take in the certificates,

and give credit in proper books for the sums contained therein,

which may be transferred

Duplicate of the said book to be transmitted into the office of the auditor of the exchequer.

Bank to appoint one or more cashiers,

and an accountant general

Treasurer to  
issue the  
money of the  
sinking fund  
for payment  
of the said  
annuities, to  
the said chief  
cashier

by way of  
imprest,

who is to pay  
the same ac-  
cording to

Accomptant  
general to in-  
spect the re-  
ceipts and  
payments

Monies con-  
verted to  
the annuities  
to be deemed  
one capital or  
joint stock  
bearing at  
percent in  
interest in-  
alienable

Assignments  
and transfers  
to be entered  
and filed

ing in the receipt of the exchequer of or for the surplusses, ex-  
cesses, or overplus monies commonly called *The Sinking Fund*,  
as shall be sufficient from time to time to answer the half-yearly  
payments of the said annuities, and other payments directed by  
this act to be made, shall (after paying or relieving sufficient to  
pay all such sums of money, as, before the passing of this act,  
shall have been directed by any other act or acts of parliament  
to be paid out of the said fund) by order of the commissioners of  
the treasury, or any three or more of them, or the high treasurer  
for the time being, without any further or other warrant, to be  
issued for, had, or obtained in that behalf, be issued and paid at  
the said receipt of exchequer, to the said first or chief cashier or  
cashiers of the said governor and company of the bank of *Eng-  
land*, and their successors for the time being, by way of imprest,  
and upon account, for the payment of the said annuities, and  
that such cashier or cashiers to whom the said monies shall,  
from time to time, be issued, shall, from time to time, without  
delay, apply and pay the same accordingly, and render his or  
their accounts thereon, according to the due course of the ex-  
chequer.

XI And it is hereby also enacted, That the said accomptant-  
general for the time being, shall, from time to time, inspect  
and examine all receipts and payments of the said cashier or cash-  
iers, and the vouchers relating thereunto, in order to prevent  
any fraud, negligence, or delay.

XII And be it further enacted by the authority aforesaid,  
That all the monies intended to be converted into annuities by  
virtue of this act, shall be deemed, reputed, and taken to be,  
one capital or joint stock, on which the said annuities, after the  
said rate of four pounds *per centum per annum*, shall be attend-  
ing, and that all and every person and persons, and corpora-  
tions whatsoever, in proportion to the money which he, she, or  
they shall be entitled to as aforesaid, shall have and be deemed  
to have a proportional interest and share in the said stock, and  
in the annuity attending the same, at the rate aforesaid, and  
that the said whole capital or joint stock, or any share or in-  
terest therein, and the proportion of annuity attending the same,  
shall be assignable and transferrable in this act directed, and not  
otherwise, and that there shall constantly be kept in the office  
of the said accomptant-general for the time being within the  
city of *London*, a book or books, wherein all assignments or  
transfers of the said whole capital or joint stock, or any part  
thereof, and the proportional annuity attending the same, at  
the rate aforesaid, shall be entered and registered, which entries  
shall be conceived in proper words for that purpose, and shall  
be signed by the parties making such assignments or transfers,  
or, if any such party or parties be absent, by his, her, or their  
attorney or attorneys thereunto lawfully authorized, by writing  
under his, her, or their hands and seals, to be attested by two  
or more credible witnesses, and that the person or persons to  
whom

whom such transfer shall be made, shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them.

XIII. Provided always, That all persons possessed of any share or interest in the said joint stock of annuities, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made upon any such devise, until so much of the said will as relates to the estate, share or interest, be entered in the said office; and that in default of such transfer or devise, the said share, estate, or interest, shall go to the executors, administrators, successors, and assigns.

Annuities may be devised by will. Will to be entered.

XIV. Provided also, and it is hereby further enacted by the authority aforesaid, That the said governor and company of the Bank of England, and their successors (notwithstanding the redemption of all or any of their own funds in pursuance of the acts for establishing the same, of any of them) shall continue a corporation for the purposes of this act, till all the said annuities shall be redeemed by parliament, and the said governor and company, or any member thereof, shall not incur any disability for or by reason of this or their doing any matter or thing in pursuance of this act.

Bank to continue a corporation till redemption of the annuities, &c.

XV. And it is hereby enacted by the authority aforesaid, That no fee, reward, or gratuity whatsoever, shall be demanded or taken for computing and making the interest on the said bills, or for receiving, taking in, or cancelling, the said bills or debentures, or any of them, or for granting certificates in lieu thereof, as aforesaid, or for issuing the monies for paying the said annuities, or any of them, or for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending by taking or demanding any fee, reward, or gratuity, contrary to this act, shall, for every offence, forfeit the sum of twenty pounds to the party grieved; to be recovered with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege, or wager of law, injunction, or order of remand, or any more than one imparlance, shall be granted or allowed.

No fee to be taken for any matter necessary to be done.

on penalty of 20*l*.

XVI. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized to reward and pay such persons as shall be any way employed in the execution of this act, for their service, pains, and labour, and also to defray such incidental charges as shall necessarily attend the same, out

Treasury authorized to give rewards to persons employed, and to pay incidental charges, &c.

Allowances in respect of the officers of the bank, to be at the disposal of the governor and company.

of the said surplusses, excesses, or overplus monies; and also to appoint such allowances as they shall think proper, out of the said surplusses, excesses, or overplus monies, for the service, pains, and labour, of the cashier or cashiers of the said governor and company of the bank of *England*, for receiving, paying, and accounting for the said annuities, made payable by this act; and also for the service, pains, and trouble, of the accountant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour, of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Money issued for the purposes of this act out of the sinking fund, to be replaced out of the next supplies.

XVII. And be it further enacted by the authority aforesaid, That the several sums of money which shall, from time to time, be issued and applied by virtue of this act, out of the said monies composing the said fund, commonly called *The Sinking Fund*, for payment of the said annuities, and for rewards, incident charges, allowances, and in discharge of any other expences hereby authorized to be paid, shall, from time to time, be made good and replaced by and out of the supplies to be granted in the next session of parliament, after such issues and applications shall be respectively made.

Clause of redemption.

XVIII. Provided always, and be it enacted by the authority aforesaid, That at any time upon six months notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*; and upon repayment, by parliament, of the principal sum for which the said annuities are established (by payments not being less than five hundred thousand pounds at one time) in such manner as shall be directed by any future act or acts of parliament in that behalf; and also upon full payment of all arrearages of the time annuities; then, and not till then, such and so much of the said annuities as shall be attending on the principal sums so paid off, shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London*, as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

Limitation of actions.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgment shall be

General issue.

given

given against him or them, upon demurrer, or otherwise, then Treble costs.  
such defendant or defendants shall have treble costs to him or  
them awarded against such plaintiff or plaintiffs.

## CAP. X.

*An act for applying the money granted in this session of parliament, for defraying the charge of the pay and clothing of the militia of that part of Great Britain called England, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and sixty three, and for appointing a time and place for exercising the militia in the said year.*

**WHEREAS** the sum of one hundred and fifty thousand pounds, Preamble,  
has been granted to His Majesty, for defraying the charge of  
pay and clothing for the militia, for one year, from the twenty-fifth  
day of March, one thousand seven hundred and sixty three: in order  
therefore that the charge of pay and clothing for such militia may  
be duly and properly defrayed and satisfied; be it enacted by the  
King's most excellent majesty, by and with the advice and  
consent of the lords spiritual and temporal, and commons, in  
this present parliament assembled, and by the authority of the  
same, That in every county, riding, or place, within that part  
of Great Britain called England, where the militia is or shall be  
raised, the receiver or receivers general of the Land tax, of such  
county, riding, or place respectively, shall issue and pay the  
sums, in the manner and for the several uses  
herein after mentioned; that is to say, for the pay of the said  
militia for four calendar months in advance, at the rate of six  
shillings a day for each adjutant, where an adjutant is appoint-  
ed; and at the rate of one shilling for each serjeant, with the ad-  
dition of two shillings and six pence a week for each ser-  
jeant-major, where a serjeant-major is appointed; and at the  
rate of six pence a day for each drummer, with the addition of  
six pence a day for each drum-major, where a drum-major is  
appointed; and also at the rate of six pence a month for each  
private man and drummer, for defraying the contingent ex-  
pences of each regiment, battalion, or independent company of  
militia, one penny whereof shall be applied to defraying the  
hospital expences of each regiment, battalion, or independent  
company, during the time of the men being from home, upon  
account of their annual exercise; and also for half a year's salary  
for the clerk of each regiment or battalion of militia belonging  
to such county, riding, or place, at the rate of fifty pounds a  
year; and also for the respective allowances to the clerk of the  
general meetings, and clerk of the several subdivision meetings,  
at the rates following; that is to say, to the clerk of the general  
meetings, at the rate of five pounds five shillings for each meet-  
ing; and to the several clerks of the subdivision meetings, at  
the rate of one pound one shilling for each meeting; and also  
for the cloathing of the militia for each county, riding, or place,  
after the rate of three pounds ten shillings for each serjeant, and

Where the  
militia is or  
shall be raised,  
the receiver  
general of the  
county is to  
issue 4 months  
pay in ad-  
vance, accord-  
ing to the  
establishment  
of pay here  
set down;

with half a  
year's salary  
to the regi-  
mental and  
battalion  
clerks;  
and the al-  
lowances to  
the clerks of  
the general  
and subdivi-  
sion meet-  
ings;

and pay for  
cloathing of  
the militia.

two pounds for each drummer, with the addition of one pound for each serjeant-major, and each drum-major; and with respect to the private militia men, where the militia hath been embodied, or having not been embodied, hath not been cloathed within three years, at the rate of one pound ten shillings for each private man.

The above  
sums are not  
to be paid, if  
pay has not  
before been  
issued, till the  
lord lieut. or  
deputies shall  
have certified  
to the treasury  
and receivers  
general the inrol-  
ment of three

II. Provided nevertheless, That in any county, riding, or place, where pay has not been yet issued for the militia, no pay shall be issued until his Majesty's lieutenant, or, in his absence, any three deputy lieutenants, of any such county, riding, or place, shall have certified to the commissioners of his Majesty's treasury, and to the receiver-general of the land tax, that three fifths of the number of private militia men of such county, riding, or place, have been inrolled, and that three fifths of the proportion of their commission officers have accepted their commissions, and entered their qualifications as by law required.

The money  
is to be paid  
by the re-  
ceiver general  
to the clerk of  
the regiment  
or battalion  
(except the  
allowances to  
the clerks of  
the meeting)  
upon produc-  
ing the war-  
rant of his  
appointment,

III. And be it enacted, That all such sums of money aforesaid, except such as shall be due to the several clerks of the meetings aforesaid, shall, where the militia has never been embodied, be paid by the said receiver or receivers-general of the land tax, into the hands of the clerk or clerks of the regiments or battalions of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia has been embodied, into the hands of the clerk or clerks of the regiments or battalions, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of the colonel, or, where there is no colonel, of the commanding officer of each regiment or battalion respectively, notwithstanding such militia shall have been disembodied; and where the militia shall be formed into an independent company, or independent companies, such sums as aforesaid shall be paid by the said receiver or receivers-general of the land tax, into the hands of the respective captain of each independent company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intitled to receive pay and cloathing, of which such regiment or regiments, battalion or battalions or independent company or independent companies, shall have been appointed to consist, according to the establishment laid down in an act passed in the last session of parliament, intituled, *For a more effectual, and more regular, and more uniform, the better to be used in being re- gimented, and in the manner of raising, and in the part of Great Britain, and of England; and both receiver or receivers-general of the land tax, to be paid, within fourteen days after the expiration of the third calendar month of the year of the said first payment,*

and for inde-  
pendent com-  
panies, to the  
respective  
captains, or  
to their or-  
der;

accordin-  
g the establi-  
ment laid  
down in the  
militia act  
the last sess

A serment  
to be made  
without a  
month after  
the bill,

payment, make a second payment for four calendar months in advance; and shall also, within fourteen days after the expiration of the third calendar month from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforefaid, in the proportions herein before mentioned; and the receipts of such clerk or clerks, and of such captain of an independent company or captains of independent companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforefaid, shall be a sufficient discharge to such receiver or receivers-general of the land tax for the several sums of money so by him or them paid.

and a third within three months after the second.

receipts of the persons to whom the money shall be so paid, discharge the receivers general.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforefaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant of such regiment or battalion respectively, and to the captain or commanding officer of each company belonging to such regiment or battalion two months pay in advance for the serjeants, drummers, and the contingent expences of his respective company; out of which said contingent money each captain shall pay to the commanding officer of each regiment or battalion one penny a month for each private man and drummer, for the defraying the expences of the hospital; and also to the commanding officer of the company to which the serjeant-major and drum-major shall belong, two months pay in advance for such serjeant and drum-major; and so from time to time so long as any money on that account shall remain in his hands: which pay every such captain or commanding officer is hereby required to distribute to each person belonging to his company, by this act intituled to receive the same, as it shall become due; and shall, once in every year, give in to the clerk of the regiment or battalion to which such company shall belong, or, if captain of an independent company, to the receiver-general, an account of the several payments he shall have made in pursuance of this act, according to the following form:

The regimental and battalion clerks are to pay in advance one month's pay to the adjutant; and 2 months pay to each captain, for the serjeants, drummers, and contingent expences of the said company; captain to pay for each man 1 d. per month out of the contingent money, towards charges of the hospital; and for the serjeant-major and drum-major, to be paid to the

commanding officer of the company to which they belong: captains to distribute the pay accordingly; and account for the same yearly to the clerk or receiver general, if an independent company, according to the following form;



County of	Dr.	Per Contra	Cr.
	£. s. d.		£. s. d.
To cash received of Mr. regimental or battalion clerk, or receiver-general, as the case shall be, for two months pay in advance.		Paid serjeant for days pay from the of to the of following —	
		Ditto as serjeant-major (if one in the company)	
		Paid serjeant for days pay from the of to the of following —	
		Paid drummer days at 6 d. from the of to the of following —	
		Ditto as drum-major (if one in the company)	
		Paid drummer days from the of to the of following	
		Two months contingencies for men and two drummers at 6 d. per month each —	

and pay back the surplus monies in his hands, except the contingent expenses, which is to be accounted for,

and applied to the general use of the regiment, &c. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expenses.

Clerk to retain money in his hands for his own salary, and discharge the cloth bills.

When the lord lieutenant or deputies shall

And shall pay back to the said clerk, or to the receiver-general, as the case shall be, the surplus (if any) of the money by him from time to time received, and then remaining in his hands (except the money by this act allowed for contingent expenses) which shall once in every year be accounted for by the captain of each company respectively, in manner aforesaid, and the balance thereof shall be by him paid into the hands of the clerk of the regiment or battalion to which such company shall belong, to be applied to the general use of the said regiment or battalion, as the field officers and captains thereof, or the greater part of them, shall direct; and the captain of each independent company is hereby required to distribute to each person belonging to his company intitled thereto, such money as he shall receive by virtue of this act; and the said money allowed for the contingent expenses of each independent company of militia, shall be respectively applied to the particular use of such independent company, by the captain thereof.

V. And be it enacted, That the said regimental or battalion clerk, may, and shall retain to his own use out of the money so by him received, such further sums as shall complete the allowance herein before made for his salary; and such regimental or battalion clerk shall pay to such person or persons as shall produce an order from the commanding officer of such regiment or battalion, such sums of money as shall be due and owing for or on account of the cloathing of the said regiments or battalions, not exceeding the rates herein before mentioned.

VI. And be it further enacted, That whenever his Majesty's lieutenant, or any three or more deputy lieutenants, of any county, riding, or place, shall have fixed the days of exercise the

The militia, he or they shall, as soon as may be, certify the same to the receiver-general of such county, riding, or place, specifying the number of men, and the number of days such men are to be absent from home on account of such exercise; and such receiver-general is hereby required, within fourteen days after the receipt of such certificate, to issue and pay to the clerk of the several regiments or battalions, or to the captains of the independent companies, as the case shall be, at the rate of three shillings and six pence *per* day for each lieutenant, and of three shillings *per* day for each ensign; and also at the rate of one shilling *per* day for each private militia man, with the addition of six pence *per* day for each corporal of the militia, so to be called out to exercise, for the number of days such officers and men shall be absent from home on account of such exercise; and the said regimental or battalion clerks are hereby required forthwith to pay to each captain of the said regiments or battalions, the proportion of pay belonging to their respective companies.

who is to pay over the same to the respective captains.

VII. And be it further enacted, That the captain of each company shall make up an account of all monies received and paid by him on account of such exercise, according to the following form:

have fixed the days of exercise, they are to certify the same to the receiver-general, specifying the number of men, and days they shall be absent from home; receiver-general to issue thereupon pay for officers and men to the regimental clerk, &c. Captains to make up their account according to the following form;

County of	Dr.		Per Contra		Cr.	
	£.	s.	d.		£.	s.
To cash received of the regimental or battalion clerk, or receiver-general, as the case shall be, for days pay of men				Paid militia men days		
				Paid additional pay to corporals days		

which account shall be signed by the said captain, and countersigned by the commanding officer; and such captain shall, within ten days after the time of such exercise, deliver such account, and pay the balance, if there be any due, to the regimental or battalion clerk; or, if captain of an independent company, to the receiver-general: and such accounts shall be allowed as sufficient vouchers in the paying of the accounts of such receiver-general, as the receipt of his Majesty's exchequer.

or receiver general. Accounts allowed sufficient

VIII. Provided always, and be it enacted, That where any regiment, battalion, or independent company of militia is or shall be embodied, and called out into actual service, and thereby the officers and private militia men are or shall be intitled to the same pay, as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers-general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company of militia shall belong, whether to the adjutants, serjeants, private militia men, or others; and all money allowed as aforesaid for the contingent expenses of such regiment, battalion, or independent

to be signed by them, and countersigned by the commanding officer, and delivered, with the balance, to the clerk, vouchers. During the time the troops are embodied, and called out into actual service, and receive pay as the King's other forces, all pay and allowances from the receiver-general is to cease.

pendent company of militia; and also the allowance to the clerk of such regiment or battalion; shall, during such time of actual service, and until such regiment, battalion, or independent company shall be disembodied and returned home by order of their commanding officers, cease and not be paid.

and the clerks of the subdivision meetings upon producing a like order from one deputy lieutenant.

Orders to discharge receivers general.

Regimental and battalion clerks to give security for paying and accounting for the monies received by them;

the bonds to be lodged with the receivers general, and not in such them or non performance of the condition; and the sum intitled thereupon to full costs and charges, and stamp duty of the monies recovered, the residue to be accounted for to the auditor.

The responsibility on the battalion clerk, and captain of independent companies.

IX. And be it enacted, That the said receiver or receivers of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings; and shall also pay to each and every the clerks of the subdivision meetings their several allowances, at the rate of one pound one shilling for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant, or deputy lieutenants assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers-general of the land tax, a sufficient discharge for the payment of such allowances, and be allowed in his or their account.

X. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia, shall give security to the receiver or receivers-general of the land tax, of the county, riding or place, to which such regiment or battalion shall belong, by a bond to his Majesty in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time, have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers-general of the land tax, for the respective county, riding or place, who in case the said regimental or battalion clerk, shall not duly perform the conditions comprised in the said bond, shall, and is hereby required forthwith to put the said bond in suit in the name of his Majesty, his heirs, and successors; the full costs and charges of which suit, in case judgment shall be given against such regimental or battalion clerk, shall be paid by him to the said receiver or receivers-general of the land tax, who shall likewise be intitled to, and receive to his or their own use, at the rate of five pounds *per annum* out of all such monies as shall be by him or them recovered thereon; and shall account for the residue thereof with the proper auditor of his Majesty's revenue, the said receiver or receivers-general of the land tax, charging him or themselves therewith, upon the next account of the land tax to be by him or them paid.

XI. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independent company of militia, in every year ensuing, and place within the part of Great Britain, shall, between the twenty-fifth day of March, and the twenty-fourth day of April, one thousand

receivers

receivers-general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company shall belong, a fair account in writing, of all monies by him received and disbursed for the service of the preceding year, in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers-general of the land tax, any surplus of such monies that shall then be in his hands; which said accounts signed by such regimental or battalion clerk, or by such captain of an independent company respectively, shall be transmitted by the said receiver or receivers-general of the land tax, into the office of the proper auditor of his Majesty's revenue.

are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers-general; who are to transmit the accounts into the auditor's office.

XII. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money for which any person or persons is or are by this act made answerable, may, and shall be recovered in any of his Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, wherein no essoin, wager at law, or protection, or more than one imparlance shall be allowed.

Recovery of penalties, &c.

XIII. Provided always, and be it enacted, That no fee or gratuity whatsoever, shall be given or paid for or upon account of any warrant or sum of money which shall be issued in relation to, or in pursuance of, this act.

No fee payable for any warrant or sum of money issued in pursuance of this act.

XIV. Provided always, and be it further enacted, That any person being on half-pay, and serving in the militia, shall and may, and he is hereby empowered to receive and take the subsistence money by this act directed to be paid to lieutenants or ensigns; and the receiving and taking such subsistence money by any such lieutenant or ensign, shall not be deemed a receiving or taking pay, so as in any manner to prevent such person on half-pay receiving his half-pay; and such person shall take the following oath before some justice of the peace, who is hereby empowered to administer the same;

Officers on half pay serving in the militia, may receive the subsistence money payable to lieutenants or ensigns, they taking the following oath before a justice.

**I** A. B. do swear, That I had not, between the any place or employment of profit civil or military under his Majesty, besides my allowance of half-pay as a reduced in his Majesty's service, and except my subsistence as a lieutenant or ensign, as the case may be, for serving in the militia of the county of

The oath.

and the taking the said oath shall be sufficient to intitle such person to receive his half-pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

XV. And whereas by an act passed in the last session of parliament, intitled, *An act to explain, amend, and reduce into one act of parliament, the several laws in being, relating to the raising and training the militia within that part of Great Britain called England*; it is enacted, that his Majesty's lieutenant of every county, riding, and place, together with any two or more deputy lieutenants,

Lord lieutenant to appoint, on or before 30 April, the time and place of exercise; and on his default, three deputy lieutenants may appoint the same.

lieutenants, and on the death or removal, or, in the absence of his Majesty's lieutenant, any three or more deputy lieutenants, shall meet annually on the last *Tuesday* in *May*, or on the last *Tuesday* in *October*, as they shall think most convenient for the due execution of this act, and at a general meeting shall appoint the time and place, or times and places, for the training and exercising of the militia: and whereas, the appointing the time and place, or times and places, for training and exercising the militia at such general meetings so fixed as aforesaid, may be found inconvenient in the year one thousand seven hundred and sixty three; be it therefore further enacted, That it shall and may be lawful to and for his Majesty's lieutenant of every county, riding and place, on or before the thirtieth day of *April* next, to appoint the time and place, or times and places, for training and exercising the militia in the year one thousand seven hundred and sixty three; and in case any such lieutenant shall not appoint the time and place, or times and places, for training and exercising the militia on or before the said thirtieth day of *April*, it shall and may be lawful to and for any three or more deputy lieutenants of any such county, riding, or place, to appoint the time and place, or times and places, for the training and exercising the militia in the year one thousand seven hundred and sixty three.

## CAP. XI.

*An act for explaining and amending an act made in the thirty-first year of the reign of his late majesty King George the Second, intituled, An act for the due making of bread; and to regulate the price and assize thereof; and to punish persons who shall adulterate meal, flour, or bread.*

## Preamble.

After 1 May, 1763, no assized and prized bread to be made at the same time in the same place.

WHEREAS the statute made in the thirty-first year of the reign of his late majesty King George the Second, intituled, An act for the due making of bread, and to regulate the price and assize thereof; and to punish persons who shall adulterate meal, flour, or bread; is deficient in several of the provisions thereby made, when an assize of bread is not set pursuant to the directions of the said act: For remedy wherein, and in order that makers of bread for sale, and the sellers thereof, may in all places, although the assize of bread shall at any time not be set, be under due regulations; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May*, one thousand seven hundred and sixty-three, although no assize of bread shall be set in pursuance of the said act, no loaf or loaves of bread, called or deemed assize loaf or loaves in the tables of the assize and price of bread in the said act enacted and referred to, and the weight of which varies according to the variation in the price of grain, shall be made

made for sale, sold, or carried out for sale, or be offered or exposed to or for sale, or be allowed to be sold in any place, where any loaf or loaves of the bread called or deemed prized loaf or loaves in the said tables of the assize and price of bread, in and by the said act enacted and referred to, and the price of which varies according to the variation in the price of grain, shall at the same time be made for sale, or be allowed to be sold; that *viz.* is to say, no assize loaves of the price of three pence, and prized loaves called *half quartern loaves*, nor assize loaves of the price of six pence, and prized loaves called *quartern loaves*, nor assize loaves of the price of twelve pence, and prized loaves called *half peck loaves*, nor assize loaves of the price of eighteen pence, and prized loaves called *peck loaves*, shall, at the same time, in any place be made for sale, sold, or carried out for sale, or be offered or exposed to or for sale, or allowed to be sold; that unwary persons may not in any wise be imposed on, and prejudiced by buying assize loaves referred to in the said tables, as or for prized loaves referred to in the said tables, or by buying such prized loaves as or for such assize loaves; and every person who shall offend in the premises, and be convicted of any such offence in manner hereafter specified, shall, for every such offence, forfeit and pay a sum not exceeding forty shillings, nor less than ten shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge.

upon penalty of forfeiting not exceeding 40s. nor less than 10s.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty-three, although no assize of bread shall be set pursuant to the directions of the said act, the justices of the peace of every county, riding, division, city, town, liberty, and place, shall and may, at any general or quarter session of the peace which shall be held within their respective counties, divisions, cities, towns, liberties, or jurisdictions, or at any petty session which shall be held by any such justices within their respective jurisdictions, from time to time, ascertain and appoint (as often as they shall think proper) for all or any part of their respective jurisdictions, which of the sorts of assize or prized loaves shall be allowed from time to time to be made and sold within their respective jurisdictions; and also what other sorts of bread, and of what sort and sorts of grain, shall be allowed to be made and sold within their respective jurisdictions, or within any part thereof; and every order which shall be so from time to time made in or touching the premises by any such justices, shall be entered in a book to be provided and kept for that purpose by such justices, and which book shall and may be inspected by the makers of bread for sale, within the respective jurisdiction of any such justices, at all seasonable times in the day time, and without paying any fee or reward in respect thereof; and after the making every such order by any such justices, the justices who shall make the same shall; with all convenient speed, cause a copy of every such order to be affixed or put up in some market or other public town within the division

and what other sorts of bread, and of what grain, shall be made for sale; they causing an entry to be made of such orders, which is to be free for inspection; and a copy thereof to be

set up in some market, or other publick place,

or published in the country news papers.

The only sorts of assize bread made of wheat, which shall be allowed.

A like proportion, as to weight, is to be kept between the white and wheaten bread, and the wheaten and household assize bread; viz.

on penalty of forfeiting, not exceeding 40s.

A proportion in the price is to be kept in the peck loaf, and half peck, and its other subdivisions, both in the

and in household bread;

or part of the county, riding, liberty, rape, wapentake, city, town, or place, in which such order is to be observed and take place: or else every such justices, within their respective jurisdictions, shall cause a copy of every such order to be, with all convenient speed after the making thereof respectively, inserted in some public news paper which shall be published in the county, riding, division, liberty, rape, wapentake, city, town, or place, or some part thereof, in which every such order respectively is to be observed and take place.

III. Provided always, and be it enacted by the authority aforesaid, That no justices, within their respective jurisdiction, shall at any time allow the making for sale, or selling, any sorts of assize bread made of the flour or meal of wheat, other than and besides wheaten and household bread, and loaves of white bread of the price of two pence or under.

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and sixty-three, although the assize of bread shall not be set pursuant to the said act, every maker of bread for sale shall observe and keep the same or like proportion between white and wheaten bread, and wheaten and household assize bread, as to weight, as is mentioned or intended, enacted and referred to in the said assize tables; that is to say, every white loaf of the price of two pence, or under, shall always weigh three parts in four of the weight of the wheaten loaf of the like price, as near as may be; and every wheaten assize loaf or bread, of whatsoever price the same shall be, shall always weigh three parts in four of the weight of every household assize loaf of bread of the like price as near as may be; and that every household assize loaf of bread, of whatever price the same shall be, shall always weigh one third part more than every wheaten assize loaf of the like price as near as may be; and every person who shall make for sale, sell, offer, or expose to or for sale, or have in his or her custody for sale, any loaf of white, wheaten, or household bread, in which the said proportions or regulations shall not be observed and kept, as near as may be, shall, on being convicted of any such offence in manner herein after-mentioned, forfeit and pay, for every such offence, a sum not exceeding forty shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge.

V. And be it further enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and sixty-three, although the assize of bread shall not be set pursuant to the said act, every peck, half peck, quarter of a peck, and half quarter of a peck loaf, made for sale, of the meal or flour of wheat, and called *wheaten bread*, shall always be sold in proportion to each other respectively, as to price; and that every peck, half peck, quarter of a peck, and half quarter of a peck loaf made for sale, of the meal or flour of wheat, and called *household bread*, shall always be sold in proportion to each

each other, and for one fourth less in price than the loaf made for sale with the meal or flour of wheat, called *wheaten bread*, of the same denomination; and every person who shall in any wise offend in the premises, shall for every loaf of either the said wheaten or household bread which shall be sold by him or her, or offered or exposed to or for sale, or found in his or her custody for sale, contrary to the true intent and meaning of this act, forfeit and pay a sum not exceeding forty shillings, nor less than ten shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge.

hold is to be one fourth cheaper than the wheaten;

on penalty of forfeiting, not exceeding 40s. nor less than 10 s.

VI. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty-three, although the assize of bread shall not be set pursuant to the said recited act, the several loaves herein after mentioned of every sort of bread which shall be made for sale, shall always weigh in averdupois weight as follows; that is to say, every peck loaf, seventeen pounds six ounces; every half peck loaf, eight pounds eleven ounces; every quarter of a peck loaf, four pounds five ounces, and one half ounce; and every half quarter of a peck loaf, two pounds two ounces and three quarters of one ounce: and every person who shall make for sale, or offer or expose to or for sale, or have in his or her possession for sale, any peck, half peck, quarter of a peck, or half quarter of a peck loaf, in any wise deficient of the due weight the same ought to be as aforesaid, shall, on being convicted of any such offence in manner herein after mentioned, forfeit and pay a sum not exceeding five shillings, nor less than one shilling, for every ounce of every loaf of such bread, which shall at any time be found wanting, or deficient of or in the due weight the same ought to be as aforesaid; and for every such loaf of bread which shall be found wanting less than one ounce of the due weight the same ought to be as aforesaid, a sum not exceeding two shillings and six pence, nor less than six pence; as any justice or justices before whom any such loaf of bread, which shall not be of the due weight the same ought to be as aforesaid, shall adjudge: so as all such bread which shall be complained of, as wanting at any time of the due weight the same ought to be in any city, town corporate, borough, liberty, or franchise, or the jurisdiction thereof, or within the weekly bills of mortality, shall, from time to time, be brought before some justice or justices, having jurisdiction in the premises, and shall be weighed before such justice or justices within twenty-four hours after the same shall have been baked, sold, or exposed to or for sale, or found in any person's custody for sale; and so as all such bread which shall be complained of as wanting at any time in the due weight the same ought to be as aforesaid, in any hundred, riding, division, rape, wapentake, or other place out of any city, town corporate, borough, liberty, or franchise, or the jurisdiction thereof, or out of the weekly bills of mortality, shall from time to time, be brought

The weight the peck loaf, and its subdivisions, are to weigh, in every sort of bread which shall be made for sale; viz.

on forfeiture not exceeding 5s. nor less than 1s. for every ounce wanting in the weight;

nor exceeding 2s. 6d. nor less than 6d. for all under 1 oz.

the same to be weighed before a justice, within 24 hours after being baked, sold, or exposed to sale, &c. if within any city, town, corporate, &c. or within the bills of mortality; and in other places, within 3 days;



unless such deficiency shall be satisfactorily accounted for.

brought before some justice or justices of such hundred, riding, division, liberty, rape or wapentake, or other place, and shall be weighed before such justice or justices within three days after the same shall have been baked, offered, or exposed to or for sale, or found in any person's custody for sale; unless it shall be made out to the satisfaction of any such justice or justices before whom any such bread shall be brought, by or on the behalf of the party or parties against whom any such complaint or information shall be made, that such deficiency in weight wholly arose from some unavoidable accident in baking or otherwise, or was occasioned by or through some contrivance or confederacy.

Bread of an inferior quality to wheaten, not to be sold at a higher price than the household;

VII. And be it further enacted by the authority aforesaid, That after the said first day of *May*, one thousand seven hundred and sixty-three, although an assize of bread shall not be set pursuant to the said act, no person shall sell, or offer, or expose to or for sale, or have in his or her custody any bread of an inferior quality to wheaten bread, with intent to sell the same at an higher price than household bread shall at the same time sell for in the place where any bread of such inferior quality shall be sold, or offered to or for sale, or be found for sale in any person's custody; upon pain that every one who shall offend in the premises, shall, for every such offence, on being thereof convicted in manner herein after mentioned, forfeit and pay not exceeding the sum of twenty shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge.

on forfeiture, not exceeding 20 s.

A large Roman (W) to be imprinted on all wheaten bread made for sale;

VIII. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty-three, although the assize of bread shall not be set pursuant to the said act, all persons who shall make for sale, sell, offer or expose to or for sale, or have in his or her custody for sale, any of the said wheaten or household bread, shall, from time to time, cause to be imprinted on every respective loaf thereof, as followeth; that is to say, on every loaf of the said wheaten bread, a large Roman (W), and on every loaf of the said household bread, a large Roman (H): And if any person after the said first day of *May*, one thousand seven hundred and sixty-three, shall make for sale, sell, offer or expose to or for sale, or have in his or her custody for sale, any loaf of the said wheaten or household bread, which shall not be marked as hereby is directed, so as the same may, on the view thereof, be ascertained under what denomination or sort of bread every such loaf was and ought to be weighed (except as to such loaves which shall be rasped after the bespeaking or purchasing thereof, by the particular desire of the person who shall order the same to be so rasped for his or her own use) he or she who shall so offend in the premises, and shall be thereof convicted in manner herein after mentioned, shall, for every loaf of such bread not marked as hereby is directed, which shall be found in his or her custody, forfeit and pay a sum not exceeding

and a large Roman (H) on all household bread;

on penalty of forfeiting not exceeding 40 s.

ing

ing forty shillings, nor less than ten shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall from time to time adjudge; unless it shall be made out to the satisfaction of such justice or justices, by or on the behalf of the party or parties against whom any such complaint or information shall be made, that the not marking or not duly marking thereof wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by or through some contrivance or confederacy.

IX. And be it further enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and sixty-three, although the assize of bread shall not be set pursuant to the directions of the said act, every loaf of every sort of bread made of the meal or flour of any other sort of grain than wheat, which shall be made for sale, or be sold, carried out, offered, or exposed, in any wise, to or for sale, shall be marked with some significant and distinct letter or letters, not more than two thereon respectively, as the justices of any county, riding, division, liberty, city, town, or place, at any general or quarter session of the peace which shall be holden within their respective counties, ridings, divisions, liberties, cities, towns, or places, within their respective jurisdictions, or at any petty session which shall be held by any such justices within their respective jurisdictions, shall from time to time, for their respective counties, ridings, divisions, liberties, rapes, wapentakes, cities, towns, or places, or any part thereof, order or direct; and every which order shall, with all convenient speed after the making thereof, be entered in some book to be for that purpose provided and kept by such justices, and whereunto any maker of bread for sale residing within any such county, division, liberty, rape, wapentake, city, town, or place, shall be at liberty to resort at seasonable times in the day-time, and to peruse every such order without being subject or liable to pay any fee or reward in respect thereof; and such justices as aforesaid shall, with all convenient speed after the making any such order as aforesaid, cause a copy thereof to be affixed or put up in some market or other public town within the division or part of the county, riding, liberty or place, in which such order as aforesaid is to be observed or take place, or in some public place in every city, town, or place, where such order is to be observed or take place; or otherwise such justices, within their respective jurisdictions, shall cause a copy of every such their respective order, with all convenient speed after the making thereof, to be inserted in some public news paper which shall be usually published in the county, riding, division, liberty, rape, wapentake, city, town, or place, or some part thereof, in which such order as aforesaid is to be observed or take place; and if the justices, as aforesaid shall at any time, in any place, neglect or omit to make any order, from time to time, with what letter or letters such bread which shall be made for sale, of the meal or flour of any other sort of grain than wheat, shall

nor less than 10 s.  
unless such omission shall be satisfactorily accounted for.

Bread made of any other grain than wheat, to be impressed with such letters as the justices shall order;

they causing an entry to be made of such order; which is to be free for inspection;

and a copy thereof to be set up in some market, or other public place,

or published in the country news papers.

Where the justices neglect to make such order,

the maker is to mark every such loaf with a distinct capital letters;

shall be marked, then the maker of all such bread for sale shall, in every place where no such order shall be made or be in force, cause every loaf of such bread he or she shall make, or cause to be made, for sale, or shall sell, or offer or expose to or for sale, to be respectively marked with any two distinct capital letters as he or she shall think fit; and every person who, after the said first day of *May*, one thousand seven hundred and sixty-three, shall make for sale, sell, offer, or expose to or for sale, or have in his or her custody, for sale, any loaf of any such sort of bread which shall be made with the meal or flour of any other sort of grain than wheat, which shall not be marked as herein before is directed, so as that the same may, on view thereof, be ascertained under what denomination every such loaf was made (except such loaves thereof which shall be rasped after the bespeaking or purchasing thereof, by the particular desire of the person who shall order the same to be rasped for his or her own use) shall, for every time he, she, or they, shall so offend, in the premises, and be thereof convicted in manner herein after directed, forfeit and pay a sum not exceeding forty shillings, nor less than five shillings, for every loaf of such bread which shall not be so marked as herein before is first directed, as the justice or justices before whom any such offender shall be convicted shall, from time to time, adjudge.

on penalty of forfeiting not exceeding 40s. nor less than 5s. for every such unmarked loaf.

Justices,

X. And to the end the good design of this statute may be more effectually accomplished; be it further enacted by the authority aforesaid, That from and after the said first day of *May*, one thousand seven hundred and sixty-three, it shall and may be lawful for any justice or justices within the limits of their respective jurisdictions, although the assize of bread shall not be there set according to the said herein before in part recited act; and also for any peace officer or officers authorized by warrant under the hand and seal, or hands and seals, of any such justice or justices (and which warrant any such justice or justices is and are hereby empowered to grant within their respective jurisdictions) to enter into any house, shop, stall, bakehouse, warehouse, or outhouse or other place, of or belonging to any baker or seller of bread, and to search, view, weigh, examine, and try, all or any bread which shall be there found; and also to view, weigh, and try, all bread made for sale, which at any time shall be offered or exposed to or for sale, or found in any one's custody for sale, in any wise howsoever, within the respective jurisdiction of any such justice or justices: and if any loaf or loaves of bread of any denomination, shall, on any search, view, weighing, trial, or examination thereof, by any justice or justices, or on any complaint made to, or information given before, any justice or justices, and proved by the oath of one or more credible witnesses or witnesses, be found to be deficient in the due weight the same ought to be, or not to be marked according to the directions and intent of this act, or to be deficient in the due baking or working thereof, or to be wanting in the goodness of the stuff whereof or wherewith any such

and peace officers (authorized by warrant of a justice) may enter the houses of bakers, and search for, examine, and weigh all bread made for, or exposed to sale, &c.

and bread found defective in the weight, or not duly marked, or wanting in due baking,

such loaf shall have been made or to have been made with any mixture of meal or flour of any other sort of grain than of the grain the same shall import to be made with, or to be made with any larger or other proportion of any other or different sort or sorts of grain, or the meal or flour thereof, than what ought to be put therein, or to be made with any mixture or ingredient which by the said in part recited act ought not to be put therein; or to be made with any thing as or for or in lieu of flour which shall not really be the genuine flour the same shall import to be and ought to be, or that any such bread shall be made with any leaven not allowed by the said in part recited act to be used in making bread; then, and in every or any of the said cases, every justice and justices, peace officer and officers as aforesaid, is and are hereby respectively, within the limits of their several jurisdictions, impowered and required by the authority of this act, to seize every loaf of such bread, and to dispose thereof to poor persons, as such justice or justices in his or their discretion shall, from time to time, within their respective jurisdictions, think fit; unless it shall be made out to the satisfaction of any such justice or justices, by or on the behalf of the party or parties against whom any such complaint or information as aforesaid shall be made, that the default found or complained of wholly arose from some unavoidable accident, or was occasioned by or through some contrivance or confederacy; and every maker and seller of bread respectively as aforesaid, whose bread shall at any time be found before any justice or justices wanting in the goodness of the stuff, whereof or wherewith the same should have been made, or to be made with any mixture of meal or flour of any other sort of grain than of the grain the same shall import to be made with, or to be made with any larger or other proportion of any other or different sort or sorts of grain, or the meal or flour thereof, than what ought to be put therein, or to be made with any mixture or ingredient not allowed by the said in part recited act to be put therein, or to be made with any thing as for or in lieu of flour, which shall not really be the genuine flour the same shall import to be and ought to be, or to be made with any leaven not allowed by the said in part recited act to be used in making such bread, shall, for every such offence, on being convicted thereof in manner herein after mentioned, also forfeit and pay a sum not exceeding five pounds, nor less than twenty shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge, unless the default found or complained of, shall be made out to the satisfaction of any such justice or justices by or on the behalf of the party or parties against whom such complaint or information as aforesaid shall be made, to have wholly arose from some unavoidable accident, or to have been occasioned by or through some contrivance or confederacy.

or goodness, or being fraudulently mixt, &c.

may be seized, and given to the poor;

unless such default shall be satisfactorily accounted for,

and the maker and seller shall be forfeit not exceeding 5 l. nor less than 20 s. for every such offence; unless the default shall be satisfactorily accounted for.

XI. And be it further enacted by the authority aforesaid, That from and after the said first day of May, one thousand se-

Penalty of opposing any legal search, view, weighing, trying, or seizing of bread, is not to exceed 40s. nor be less than 20s.

No miller, mealman, or baker, may act as a justice in the execution of this act, on penalty of 50l.

Baker making it appear, that any offence for which he shall have paid the penalty, was occasioned by the neglect or default of his servant.

Justice to issue his warrant out for bringing the offender before him;

and on conviction,

ven hundred and sixty three, although the assize of bread shall not be set according to the said in part recited act, any person or persons shall wilfully obstruct, hinder, resist, or in any wise oppose any search, view, weighing, trying, or seizing of any loaf or loaves of bread, authorized by this act to be made or tried, he, she, or they, who shall so offend in the premises, shall, for every such offence, on being convicted thereof in manner herein after mentioned, forfeit and pay such sum of money not exceeding forty shillings, nor less than twenty shillings, as the justice or justices before whom any such offender or offenders shall be convicted, shall, from time to time, adjudge.

XII. Provided always, and be it further enacted by the authority aforesaid, That no person who shall follow, or be concerned in the business of a miller, mealman, or baker, shall be capable of acting, or shall be allowed to act as a justice of the peace under this act, or in putting in execution any of the powers in or by this act granted; and if any miller, mealman, or baker, shall presume so to do, he or they so offending in the premises, shall, for every such offence, forfeit and pay the sum of fifty pounds, to any person or persons who will inform or sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no esoin, wager of law, or more than one imparlance shall be allowed, or by way of summary complaint, before the court of session in that part of *Great Britain* called *Scotland*.

XIII. Provided always, and be it also enacted by the authority aforesaid, That if any person who shall carry on or follow the trade of a baker, shall at any time after the said first day of *May*, one thousand seven hundred and sixty-three, make complaint to any justice or justices of the peace within his or their jurisdiction, and make appear to him or them by the oath of any credible witness, that any offence which any such person who shall so carry on, or follow the said trade of a baker, shall have been charged with, and shall have incurred and paid any penalty under this act, shall have been occasioned by or through the wilful neglect or default of any journeyman or other servant employed by or under any such person, who shall so follow or carry on the said trade of a baker; then, and in any such case, every such justice and justices may, and is and are hereby required to issue out his or their warrant under his or their respective hand and seal, or hands and seals, for bringing any such journeyman or servant before any such justice or justices, or any justice of the county, city, riding, division, or place, where the offender can be found; and on any such journeyman or servant being thereupon apprehended, and brought before any such justice or justices, he or they, within their respective jurisdictions, is and are hereby authorized and required to examine into the matter of such complaint; and on proof thereof being made upon oath to the satisfaction of any such justice or justices who shall hear such said complaint, such justice and justices is and

and are hereby directed and authorized by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by every such journeyman or servant to his master or mistress, as or by way of recompence to him or her for the money he or she shall have paid, by reason of the wilful neglect or default of any such journeyman or servant; and if any such journeyman or servant shall neglect or refuse on his conviction, to make immediate payment of the sum of money which any such justice or justices shall order to be paid, by reason of such said wilful neglect or default, then any such justice and justices within their respective jurisdictions, is and are hereby authorized and required by warrant under his hand and seal, or their hands and seals, to cause every such journeyman or servant to be apprehended and committed to the house of correction, or some other prison of the county, riding, division, city, town, liberty, or place, in which any such journeyman or servant shall be apprehended, and there to be kept to hard labour, for any time not exceeding one calendar month from the time of such commitment, as such justice or justices shall order, unless payment shall be made of the money ordered to be paid after such commitment, and before the expiration of the said calendar month.

*order a sum to be paid by way of satisfaction; and on non-payment thereof, is to commit such servant to hard labour, for any time not exceeding one month; unless payment be sooner made.*

XIV. And for the better and more easy recovery of the several penalties and forfeitures to be incurred by disobedience to this act and the powers herein contained, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace, or any one of them, within their respective counties, ridings, divisions, cities, towns corporate, boroughs, liberties, or jurisdictions, to hear and determine, in a summary way, all offences committed against the true intent and meaning of this act; and, for that purpose, to summon before them, or any of them, within their respective jurisdictions, any party or parties accused of being an offender or offenders against the true intent and meaning of this act; and in case the party accused shall not appear on such summonses, or offer some reasonable excuse for his default, then upon oath of any credible witness of any offence committed contrary to the true intent and meaning of this act, any such justice or justices shall issue his or their warrant or warrants for apprehending the offender or offenders within the jurisdiction of any such justice or justices; and upon the appearance of the party or parties accused, or, in case he, she, or they, shall not appear, on notice being given to, or left for, him, her, or them, at his, her, or their usual place of abode, or if he, she, or they, cannot be apprehended, on a warrant granted against him, her, or them, as herein before is directed; then, and in any such case, any such justice or justices is and are hereby authorized and required to proceed to make enquiry touching the matters complained of, and to examine any witness or witnesses who shall be offered on either side, on oath as aforesaid, and which oath every such justice and justices is and are hereby authorized, empowered, and

*Justices to hear and determine all offences against this act in a summary way.*

and the penalties to be paid within 24 hours after conviction; or to be levied by distress and sale.

Warrant of distress may be backed.

Distress to be sold within 5 days;

and all charges to be deducted thereout.

For want of sufficient distress, the offender to be committed.

Form following to be observed in convictions in England,

required to administer; and after hearing of the parties who shall appear, and the witnesses who shall be offered on either side, such justice or justices shall convict or acquit the party or parties accused: and if the penalty or money forfeited on any such conviction shall not be paid within the space of twenty-four hours after any such conviction, every such justice or justices shall thereupon issue a warrant or warrants under his hand and seal, or their hands and seals respectively, directed to any peace officer or officers within their respective jurisdictions, and thereby require him or them to make distress of the goods or chattels of the offender or offenders within such their respective jurisdictions, to satisfy such penalty or money forfeited, and the costs of the prosecution and distress: and if any offender shall convey away his or her goods out of the jurisdiction of any such justice or justices before whom he or she was convicted, or so much thereof that the penalty or money forfeited cannot be levied, then some justice within whose jurisdiction the offender shall have removed his or her goods, shall back the warrant granted by any justice or justices as aforesaid, and thereupon the penalty forfeited shall be levied on the offender's goods and chattels, by distress and sale thereof; and if within five days from the distress being taken, the penalty or money forfeited and costs as aforesaid, shall not be paid, the goods seized or taken shall be appraised and sold, tendering the overplus (if any) after deducting the penalty or forfeiture, and the costs and charges of the prosecution, distress and sale, to the owner or owners thereof; which charges shall be ascertained by the justice or justices before whom any such offender or offenders shall have been so convicted, or by the justice who backed the warrant (if either of them shall continue alive) and if not, by some other justice of the county, riding, division, city, or place, in which the offender shall have been convicted, on application for that purpose to be made to any such justice; and for want of such distress, then every such justice within whose respective jurisdiction any such offender or offenders shall reside or be, shall, on the application of any prosecutor or prosecutors, and proof on oath made of the conviction, and nonpayment of the penalty and charges, by warrant under his hand and seal, commit every such offender or offenders to the common gaol or house of correction of the county, riding, division, city, liberty, or place, where such offender or offenders shall be found, there to remain for the space of one calendar month from the time of such commitment, unless after such commitment payment shall be made of the penalty or money forfeited, and the costs and charges ascertained as aforesaid, before the expiration of the said one calendar month.

XV. And be it further enacted by the authority aforesaid, That the justice or justices before whom any person shall be convicted in that part of Great Britain called England, in manner prescribed by this act, shall cause every such respective conviction to be drawn up in the form or to the effect following; that is to say,





On the appeal being affirmed, the appellant may be committed till payment of the costs,

or composition be made.

If the appellant make good his appeal, reasonable costs to be awarded him.

Where there is not sufficient time between the conviction and sessions, appeal may be made to the 2d quarter session.

Limitation of actions brought against justices, and peace officers.

Act 24 Geo. II. extended to justices acting under this act.

session shall award to be paid to the prosecutor or informer for defraying the expences sustained by reason of any such appeal; and in default of the appellant's paying the same, any justices or justice having jurisdiction in the place into which any such appellant or appellants shall escape, or where he, she, or they, shall reside, shall and may, by warrant under their hands and seals, or his hand and seal, commit every such appellant and appellants to the common gaol of the county, riding, division, liberty, city, town, or place, where he, she, or they, shall be apprehended, there to remain until he, she, or they, shall pay the penalty or money forfeited and costs as aforesaid, or shall compound in respect thereof with the informer, and pay the composition-money agreed on to the informer; but if the appellant or appellants in any such appeal shall make good his, her, or their appeal, and be discharged of the said conviction, reasonable costs shall be awarded to the appellant or appellants, against such informer or informers, who (in case of such conviction having been affirmed) would have been intitled to the penalty to have been recovered as aforesaid; and which costs shall and may be recovered by the appellant or appellants against any such informer or informers, in like manner as costs given at any general or general quarter session of the peace are recoverable.

XIX. Provided always, and be it further enacted by the authority aforesaid, That if any such conviction shall happen to be made within six days before any general or general quarter session of the peace, which shall be held for the county, riding, division, city, town corporate, borough, or place, where such conviction shall have been made; then the party or parties who shall think him, her, or themselves, aggrieved by any such conviction, shall and may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal, either to then next, or the next following general or general quarter session of the peace which shall be held for any such county, riding, division, city, town corporate, borough, liberty, or place, where any such conviction shall have been made.

XX. And be it further enacted by the authority aforesaid, That every action or suit which shall be brought or commenced against any justice or justices, or any peace officer or officers, in that part of Great Britain called England, for any matter or thing done or committed by virtue of, or under this act, shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid or brought in the county, city, or place, where the matter in dispute shall arise, and not elsewhere; and that the statute made in the twenty-fourth year of King George the Second, intitled, *An act for rendering the justices of the peace more safe in the execution of their office; and for indemnifying constables, and others, acting in obedience to their warrants*; so far as the said act relates to the rendering the justices more safe in the execution of their office, shall extend, and be construed to extend, to the justice or justices of the peace act-

ing under the authority or in pursuance of this act; and that no action of suit shall be had or commenced against, nor shall any writ be sued out, or copy of any writ be served upon, any peace officer or officers, for any thing done in the execution of this act, until seven days after a notice in writing shall have been given to, or left for, him or them, at his or their usual place of abode, by the attorney for the party intending to commence such action; which notice shall contain the name and place of abode of the person intending to bring such action, and also of his attorney, and likewise the cause of action or complaint: and any peace officer or officers shall be at liberty, and may, by virtue of this act, at any time within seven days after any such notice shall have been given to, or left for, him, tender, or cause to be tendered, any sum or sums of money, as amends for the injury complained of, to the party complaining, or to the attorney named in any such notice; and, if the same is not accepted of, the defendant or defendants in any such action or actions may plead such tender in bar of such action or actions, together with the general issue, or any other plea, with leave of the court in which the action shall be commenced: and if, upon issue joined on such tender, the jury shall find the amends tendered to have been sufficient, they shall find a verdict for the defendant or defendants: and in every such case, or if the plaintiff shall become nonsuit, or discontinue his action; or if judgment shall be given for the defendant or defendants upon demurrer; or if any action or suit shall be brought after the time limited by this act for bringing the same, or shall be brought in any other county or place than as aforesaid; then, and in every such case, the jury shall find a verdict for the defendant or defendants; and the defendant or defendants shall be intitled to his or their costs: but if the jury shall find that no such tender was made, or that the amends tendered were not sufficient, or shall find a verdict against the defendant or defendants, on any plea or pleas by him or them pleaded; then they shall give a verdict for the plaintiff, and such damages, as they shall think proper; and the plaintiff shall thereupon recover his or her costs, against every such defendant and defendants.

Notice to be given to peace officers, before any writ be sued out against them:

and if tender of amends be made by them,

and the same shall be found to have been sufficient, &c. a verdict to be found for them, with costs.

Plaintiff recovering, intitled to damages and costs.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any other person or persons than a justice or justices, or peace officer, for any thing done in pursuance of this act, the defendant or defendants in any such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, or if a verdict shall be found for the defendant or defendants; or if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon a verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants in every such action shall and may recover double costs, and have

Limitation of other actions.

General issue.

Double costs. the

the like remedy for the same as any defendant or defendants hath or have in other cases by law for recovery of his or their costs.

Limitations and remedies for rendering justices, peace officers, and other persons, safe in their duty, extended to Scotland.

XXII. And be it enacted by the authority aforesaid, That the above limitations and remedies for rendering justices of peace, peace officers, and all other persons, safe in the execution of their several offices under this act, shall extend to and be available to all such justices of peace, peace officers, and other persons, in that part of *Great Britain* called *Scotland*; and shall be pleaded by them, and sustained by the court or courts before which they, or any of them, may happen to be sued, according to the forms of the law of *Scotland*.

Limitation of prosecutions for offences against this act.

XXIII. Provided also, and be it likewise enacted by the authority aforesaid, That no person shall be convicted of any offence under this act, unless the prosecution in order for such conviction shall be commenced within three days after the offence committed; and that no person, who shall be prosecuted to conviction for any offence done or committed against this act, shall be subject or liable to be prosecuted for the same offence under any other law.

Penalties and forfeitures how to be recovered and applied.

XXIV. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act inflicted, shall, when recovered or paid, go and be distributed in manner following; that is to say, one moiety thereof, where any offender or offenders shall be convicted, either by his, her, or their own confession, or by the oath of one or more credible witnesses or witnesses, shall go and be paid to the person or persons who shall inform against and prosecute to conviction any such offender or offenders; and the other moiety thereof as the justice or justices, before whom any offender or offenders against this act shall be convicted, shall from time to time, think fit and order, for the better carrying into execution the purposes of this act, and defraying the charges attending the carrying the same into execution.

Rights of the two universities reserved.

XXV. Provided likewise, and it is hereby enacted, That this act, or any thing herein contained, shall not extend, or be construed to extend, to prejudice the ancient right or custom of the two universities of *Oxford* or *Cambridge*, or either of them, or of their or either of their clerks of the market, or the practice within the several jurisdictions of the said universities, or either of them, used, to ascertain and appoint the weight of all sorts of bread to be sold or exposed to sale within their several jurisdictions, but that they, and every of them, shall and may, severally and respectively, from time to time, as there shall be occasion, ascertain and appoint within their several and respective jurisdictions, the weight of all sorts of bread to be sold or exposed to sale by any baker or other person whatsoever, within the limits of their several jurisdictions; and shall and may, within the bread thereof as fully and freely, in all respects, as they used to do, and as if this act had never been made; any thing herein

herein contained to the contrary thereof in any wise notwithstanding.

## C A P. XII.

*An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries, to be charged on the said duties.*

Most gracious Sovereign,

**W** E your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising by the most easy means the necessary supplies to defray your Majesty's publick expenses, have freely and voluntarily resolved to give and grant unto your Majesty, the several rates, duties and impositions, herein after mentioned, and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the thirty-first day of March, one thousand seven hundred and sixty-three, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions, whatsoever, due or payable for all wines and vinegar imported into Great Britain, by any act or acts of parliament now in force, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors (before landing thereof) the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback on re-exportation afterwards; that is to say,

Additional duties granted, to take place from and after 31 March 1763.

For every ton of French wine and French vinegar, which shall be imported into this kingdom, the sum of eight pounds; and to after that rate for any greater or lesser quantity.

And also for every ton of all other wines and vinegar imported into this kingdom, the sum of four pounds; and to after that rate for any greater or lesser quantity.

The same to be raised, levied, collected, paid, and recovered, in such manner and form, and by such ways, means, and methods, and under such penalties and forfeitures (except as to discounts and drawbacks aforesaid) as are mentioned and expressed in the act of parliament made and passed in the first year of the reign of his late Majesty King James the Second, intituled, *An act for granting his Majesty an imposition upon all wines and vinegar imported, betwixt the twenty-fourth day of June, one thousand six hundred and eighty-five, and the twenty-fourth day of June, one thousand six hundred and ninety-three; or in any other act or acts of parliament by which the said impositions, rates, and duties, upon all wines and vinegar imported, were continued and made*

viz. On French wine and vinegar imported, 8l. per ton; and on all other wines and vinegar imported, 4l. per ton; to be collected, levied, and paid, as expressed in the act of 1 Jac. II.

or in any other act making the duties thereby granted perpetual;

perpetual;

perpetual; and all powers, penalties, forfeitures, provisions, articles, and clauses therein contained, not any way altered by this act, shall continue in full force and effect during the continuance of the said impositions, rates, and duties hereby granted, and shall be applied, practised, and executed, for the raising, levying, collecting, securing, answering, and paying the said impositions, rates, and duties, according to the true intent and meaning of this act, as fully and effectually to all intents and purposes as if the said clauses, matters, and things, had been again repeated and re-enacted in the body of this present act; any law, custom, or usage, to the contrary in any wise notwithstanding.

Damaged and unmerchantable wines exempted from these additional duties.  
Act 12 Geo. I.

II. Provided always, That nothing in this act contained shall extend or be construed to extend, to lay any further duties upon wines damaged, corrupt, or unmerchantable, and for which the merchants or importers thereof shall refuse to pay or secure the duties; and which by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*, are, on such refusal directed to be received into the custody of proper officers of the customs, to be publickly sold, in order to be distilled into brandy, or to be made into vinegar.

The said duties to be under the management and direction of the commissioners of the customs; and to be paid over weekly by the receiver-general into the exchequer,

apart from all other monies;

and to be entered accordingly in proper books to be provided there for the purpose.

Rule annexed to the book of rates.

III. And it is hereby enacted by the authority aforesaid, That the said impositions, rates, and duties by this act granted, shall, from time to time be, under the management and direction of the respective commissioners of his Majesty's customs, and their officers for the time being, and shall be paid into the hands of the receiver general of the customs in *England* for the time being; and such receiver-general shall weekly, to wit, on *Wednesday* in every week, if it be not an holy day, and if it be, then on the next day after that is not an holy day, answer and pay all the monies arising by the said additional impositions, rates, and duties (the necessary charges of raising, collecting, and answering the same, only excepted) into the receipt of his Majesty's exchequer, distinct and apart from all other monies which such receiver-general shall receive for the use of his Majesty, his heirs and successors, for the uses and purposes in this act mentioned.

IV. And be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the said receipt of exchequer, a book or books in which all the monies hereby appointed to be paid weekly into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever.

V. And whereas by the eighth rule annexed to the book of rates referred to in the act of tonnage and poundage passed in the twelfth year of the reign of King Charles the Second, every merchant bringing in any sort of wines into this kingdom by

way of merchandize, and making due entries thereof, is allowed twelve pounds *per centum* for leakage: And whereas it is of late years become a practice for several merchants to lodge *Spanish, Portugal,* and other wines, at the islands of *Guernsey* and *Jersey*, and after they have filled up the casks there, to import such wines into this kingdom, and demand the before mentioned allowance for leakage, notwithstanding the casks are quite full, to the lessening of his Majesty's revenue, and the prejudice of other merchants who import wines directly from the place of their growth: For remedy whereof, and in order to put all merchants upon a more equal footing, be it enacted by the authority aforesaid, That no merchant shall, in respect of the duties imposed by this act, be allowed twelve pounds *per centum*, or have any allowance for leakage upon any wine imported into this kingdom, unless such wine be imported directly from the country or place of the growth of the said wine, or the usual port or place of its first shipping, except *Madeira* wines imported into this kingdom from any of his Majesty's plantations in *America*; any thing in the said recited rule to the contrary notwithstanding.

No allowance to be made for leakage, but upon wines imported directly from the country or place of their growth, &c. *Madeira* wines imported from the British plantations in *America* excepted.

VI. And be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty-three, there shall be raised, collected, levied, and paid unto and for the use of his Majesty, his heirs, and successors, for and upon all cyder and perry which shall at any time or times be imported or brought into the kingdom of *Great Britain*, (over and above all other customs, subsidies, and duties by any act or acts of parliament or law whatsoever imposed upon or payable for the same) the additional rate or new duty of excise herein after expressed; that is to say,

From and after 5 July, 1763, an additional duty to be laid on all cyder and perry;

For every ton of cyder or perry imported into *Great Britain* from beyond the seas, and so proportionably for a greater or lesser quantity, to be paid by the importer before landing, over and above all other duties payable for the same, two pounds.

viz. On all cyder and perry imported, 40s. per ton;

VII. And be it further enacted by the authority aforesaid, That from and after the fifth day of *July*, one thousand seven hundred and sixty-three, there shall be raised, collected, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon all cyder and perry made within the kingdom of *Great Britain*, (over and above all other duties, charges, and impositions, by any former act or acts of parliament thereupon respectively set, rated, or imposed) the new duty of excise here, after mentioned and expressed; that is to say,

and upon all cyder and perry made within *Great Britain*,

For all cyder and perry which shall be made in *Great Britain*, upon every hoghead, to be paid by the maker thereof, and so proportionably for a greater or less quantity, (over and

4s. per hoghead, to be paid by the maker.

above

above all other duties now payable for cyder or perry) the sum of four shillings.

Duties upon cyder and perry made in England, to be under the receipt and management of the commissioners and officers of excise there; and those in Scotland, under like officers there. Commissioners to appoint a sufficient number of officers; and the duties to be paid into the exchequer

VIII. And for the better ascertaining, charging, collecting, raising, levying, and securing the said rates and duties by this act imposed, and preventing frauds therein; be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are charged upon cyder or perry made in, or imported into *England, Wales*, or the town of *Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenues of excise in *England* for the time being; and such of the said rates and duties as are imposed by this act upon cyder or perry made in, or imported into *Scotland*, shall be under the receipt and management of the commissioners and officers of excise in *Scotland* for the time being; and the said respective commissioners of excise, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf; and all monies arising by and in respect of the said duties upon cyder and perry (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer, distinctly and apart from all other branches of the publick revenue.

Makers of cyder or perry (not being compounders) to enter their names, and the mills, presses, or other utensils, store-houses, and other places to be made use of at the next office of excise, 10 days before they begin to work. Penalty of using any unentered place or mill, &c. 25 l.

IX. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-three, all and every person and persons, not being a compounder or compounders, who shall intend to make any cyder or perry, shall, ten days at least before he, she, or they shall begin to make cyder or perry, make a true and particular entry in writing, at the office of excise next to the place where such cyder or perry shall be intended to be made, of the respective name or names of such maker or makers, and of every mill or press, or other utensil, belonging to him, her, or them, for the making of cyder or perry, and also of every store-house, ware-house, cellar, or other place, wherein he, she, or they, intend to make, lay, or keep any cyder or perry; and if any such maker of cyder or perry shall, contrary to the directions of this act, make use of any mill, press, or other utensil, or store-house, ware-house, cellar, or other place, either for the making, laying, or keeping any cyder or perry, without having made such entry as aforesaid, he, she, or they shall respectively forfeit and lose the sum of twenty-five pounds for every such offence.

Officers of excise, upon request made, are to have free access in the day-time, to all places entered or made use of

X. And be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-three, all and every the officers of excise shall, at all times in the day-time, be permitted upon their request, to enter the mill-house, store-house, ware-house, cellar, and all other places whatsoever, belonging to, or used by, any person or persons whatsoever, either for the making, laying, or keeping

keeping of cyder or perry, of which notice shall or ought to have been given as aforesaid, who, at any time or times, from and after the said fifth day of *July*, one thousand seven hundred and sixty-three, shall make any cyder or perry, and to gauge and take an account of all the cyder or perry which shall be there found, and shall thereof make return or report in writing to the respective commissioners of excise in *Great Britain*, or such other person or persons as they shall respectively appoint to receive the same, leaving a true copy of such report in writing, under his or their hand, with or for such maker of cyder or perry; and such report or return of the said officer or officers, shall be a charge upon such maker or makers of cyder or perry; and the amount of the duties thereby charged, shall be paid by such maker or makers respectively, within the space of six weeks, to be computed from the time of making such charge.

XI. Provided always, That such and the like allowances shall be made to the several persons chargeable with the duties in this act, as have been usually made to persons chargeable with the duties upon cyder and perry by former laws.

XII. And, for preventing such frauds as might be committed by selling, or otherwise disposing, of cyder or perry, made after the said fifth day of *July*, one thousand seven hundred and sixty-three, under pretence of its having been made before the commencement of this act, and thereby evading the payment of the duty intended by this act to be charged thereupon; be it enacted by the authority aforesaid, That every person having in his, her, or their possession any cyder or perry made before the said fifth day of *July*, one thousand seven hundred and sixty-three, and intending to sell, or otherwise dispose of, or remove out of his, her, or their own possession, any quantity of such cyder or perry, shall, ten days at the least before the said fifth day of *July*, one thousand seven hundred and sixty-three, give a true and particular account thereof in writing, signed by him, her, or them, at the office of excise next to the place where he, she, or they shall then inhabit, that the officer of excise may attend to take an account thereof: and after such account shall be delivered in, it shall be lawful for the officer and officers of excise to enter into the several places belonging to such person or persons, where such cyder or perry shall be laid or kept, and to take an exact account thereof by gauging or otherwise; and it shall be lawful for him, upon a request in writing from the person who has given in such account, from time to time to grant certificates for the removal of a like quantity of cyder or perry, and no more, without charging the duty granted by this act, distinguishing, in such certificates, that the cyder or perry was made before the commencement of the duty granted by this act.

XIII. And, for the preventing of frauds in the removal of cyder or perry, and for securing the duty granted by this act, be it further enacted by the authority aforesaid, That from and after the said fifth day of *July*, one thousand seven hundred and sixty-

for making or keeping perry or cyder,

and to gauge, and report the contents to the commissioners,

leaving a copy for the maker.

The duties to be paid according thereto, within six weeks from such making charge; and the usual allowances to be made in respect thereof.

Persons intending to sell, or remove any cyder or perry in their possession, made before 5 July, 1763, are to send a signed particular thereof to the next office of excise, ten days before the said 5 July, that the officer may attend, and take an account thereof, and grant certificates occasionally for the removal of a like quantity, without charging the duty, &c.

No cyder or perry, excise, sixty-



ing 6 gallons,  
to be removed,  
&c. without a  
certificate.

fixty-three, no cyder or perry exceeding the quantity of six gallons, shall be removed or carried from any part of this kingdom, by land or by water, without a certificate (which the officers of excise are hereby required to give without fee or reward, upon request of the person desiring to remove such cyder or perry) to accompany the same, signed by one or more of the officers of excise, signifying and certifying the quantity of such cyder and perry, and the number of casks or package containing the same, and the name of the person from whom the same is removed, and the place to which, and the name and place of abode of the person to whom, such cyder or perry is to be sent; and distinguishing therein, whether the same is to be removed from the mill where the same was made, into the premisses of any compounder, or of any person exempted by this act from paying duty, or compounding, or of any other person chargeable with the said duty; and if removed out of the stock or storehouse of any compounder or other person, then distinguishing from whose stock or storehouse the same is intended to be removed, or whether the same was cyder or perry made before the commencement of the duty granted by this act; and if the same shall have been charged with the said duty, or any other duty, then with what duty the same has been so charged; or if condemned, then that the same had been condemned as forfeited; upon pain of forfeiting the cyder or perry, together with the casks, vessels, or other package containing the same, which shall be found removing or carrying from one place to another, without such certificate, and which shall and may be seized by any officer or officers of excise; in which certificate the officer or officers of excise who grant the same, shall express and limit the time for which the same shall continue in force.

on forfeiture  
thereof, with  
the package.  
Officers of excise may seize the same.  
Time to be limited, for which the certificate is to be in force.

XIV. And whereas many of his Majesty's subjects do make cyder or perry, part of which is intended not to be sold, but to be consumed in their own private families only: For the better accommodation of such persons, be it further enacted by the authority aforesaid, That when any such person shall be desirous of compounding for the duties on cyder and perry to be consumed in their own private families only, it shall be lawful for the said respective commissioners of excise, at the time being, or the major part of them respectively, or such person or persons as they, or the major part of them, shall respectively appoint for that purpose; and in default of such appointment, then for the collector and supervisor for the district and division within which such person doth or shall inhabit, upon receiving from the person who shall so desire to make such composition, an exact list signed by him or her, of the several persons whereof his or her family consist, (specifying their christian and surnames therein) to compound and agree with such person or persons for the duty of four shillings granted by this act on cyder and perry, to be consumed in their own private families only, at the rate of five shillings *per annum*, for the number of persons which shall be mentioned in such list; which composition

Persons making cyder or perry to be consumed in their own private families only may be admitted to compound for the duties, they giving in a list of the number in family, and paying at the rate of 5 s. per head, per annum.

Composition to be renewed annually, and

tion shall last for one year, and be renewed annually, and the money arising thereby, shall be paid down at the respective times of making the compositions; and that the houses, out-houses, store-houses, cellars, or other places, of such particular persons making such composition and agreement as aforesaid, and paying such composition-money, and duly complying with their payments thereupon, shall not be liable to the survey or search of any officer or officers of excise, for or by reason of his or their making cyder or perry as aforesaid; and in case the family of the person making the composition shall be increased, at any time during the year compounded for, then every person whose family shall be so increased, shall deliver in an additional list containing the names of the several persons added to the family, who shall then also pay down a proportionable composition for the persons so added, *videlicet*, five pence for each calendar month that shall be unexpired of the year, for which his or her composition was made, for each and every person so added, and in like manner fresh lists shall be delivered, and compositions made accordingly every year; and in case any person having compounded, shall neglect to deliver such lists, or to pay the composition-money from year to year, by the space of ten days after the expiration of each respective year, the person so neglecting shall be charged by the officer of excise with the duty of four shillings for every hogshead of cyder or perry, which shall be found in his or her custody; which charge the officer or officers of excise are hereby required to make, and such persons shall become subject to the survey of the said officers; and if any person who shall compound in pursuance of the power hereby given, shall deliver in a list which does not contain the true number with the names of the several persons of which his or her family then really consisted of; or if any person shall neglect to deliver in a list of the number and names of any increase that may happen in his or her family, according to the directions of this act, or to pay the proportionable composition as aforesaid, the party so offending shall, for every such offence respectively, forfeit the sum of twenty pounds.

XV. Provided always, That no compounder shall be obliged to insert in such list, the names of his or her children under the age of eight years, or to reckon them as part of his or her family.

XVI. And as it may frequently happen that such persons who shall make compositions for the duties on cyder and perry to be consumed in their own private families, may have larger quantities of cyder or perry than is necessary to be expended for the use of their respective families; to the end therefore that he, she, or they, may be empowered to sell, or otherways dispose of, or remove any quantity of cyder or perry, and that his Majesty's duties may be secured for the same, when and so often as any such compounder or compounders shall be desirous of selling, or otherways disposing of, any cyder or perry, or of removing of the same, and shall have given to the officer of excise of the division

the money paid down at the same time. Houses, &c. of compounders exempted from survey or search.

Upon increase of the family a new list to be given in;

and 5 d. per month per head to be paid for the additional number, during the subsisting unexpired term of the year.

Compounders neglecting to deliver in the lists, and pay their composition-money, to be charged with the duty, and become liable to survey.

Persons delivering false or defective lists, &c.

forfeit 20 l.

Children under 8 years of age not to be inserted in the lists.

Compounders may sell, dispose of, or remove, any cyder or perry more than sufficient for their own use,

giving 2 days  
notice to the  
proper officer,

who is to at-  
tend, and take  
an account  
thereof, and  
charge the  
duties,  
and report the  
same to the  
excise office;  
leaving a co-  
py with the  
compounder.  
Such cyder  
or perry not  
to be alter-  
wards remov-  
ed without a  
certificate  
Compounders  
being guilty of  
any fraud,

forfeit 20l.

vision or place where his, her, or their ware-house or store-house, cellar or other place, for making, laying, or keeping, cyder or perry, shall be situate, two days notice in writing of his, her, or their intention to sell, or otherways dispose of, or remove any quantity of cyder or perry, specifying in such notice the particular quantity of cyder or perry he, she, or they intend to sell, or otherways dispose of or remove, and also the description of the particular ware-house, store-house, cellar, or place where such quantity of cyder or perry shall then be laid or kept, and of the place to which the same is intended to be removed or sent; the officer of excise, having received such notice, is hereby authorised and required to attend at the said store-house, ware-house, cellar, or other place, and then and there to enter the same, and to gauge and take an account of the particular quantity of cyder or perry so intended to be sold or otherwise disposed of or removed, and to charge thereon the said duty after the rate of four shillings for every hoghead, and thereof to make a return or report in writing to the commissioners of excise, or such other person or persons as they shall appoint to receive the same, leaving a true copy of such report in writing, under his or their hand, with or for such compounder or compounders; and such report or return of the said officer or officers shall be a charge upon such compounder or compounders; and after the duties are so charged, the said cyder or perry shall not be removed, on any pretence, without such certificate as aforesaid to accompany the same, to prevent the seizure thereof; and if any compounder or compounders for the duty on cyder or perry, to be consumed in his, her, or their own private family or families only, shall fraudulently sell, exchange, barter, or deliver out any cyder or perry to any person or persons contrary to the true meaning of this act, or shall sell or otherwise dispose of or remove any such cyder or perry, without having first given such notice as aforesaid, or before the duty granted by this act is charged thereon, he, she, or they shall respectively forfeit the sum of twenty pounds for every such offence.

XVII. And whereas many makers of cyder or perry are not possessed of mills, or other proper utensils for making cyder or perry, but either hire or borrow the same of others for that purpose; and though the permitting maker of cyder or perry who have such mills and other utensils, and are compounders, to let out or lend their mills and utensils, may appear reasonable, yet considerable frauds may be practised thereby to the prejudice of his Majesty's revenue and the fair trader, unless such permission is granted under proper restrictions; to the end therefore that such persons may be accommodated, and that his Majesty's duty may be secured, be it enacted by the authority aforesaid, That no maker or makers of cyder or perry, being a compounder or compounders for the duty granted by this act for the cyder or perry to be consumed in his, her, or their family or families, shall, during the time he, she, or they shall

No com-  
pounder may  
let out, or lend  
his mill, or  
other utensils,  
for making

shall compound for the said duty, let out or lend his, her, cyder or perry mill or mills, or other utensil or utensils, to any other person or persons for the purpose of making cyder or perry, or to suffer the same, or any of them, to be used for the purpose aforesaid, unless he, she, or they, shall have given, or caused to have been given, to the officer of excise of the division or place where his, her, or their mill or mills, or other utensils, shall be hired, notice in writing by the space of three days next before the time he, she, or they, shall permit such mill or mills, or other utensils, to be used by or on the behalf of any other person or persons for the making of cyder or perry, signifying thereby that he, she, or they, have let or let out his, her, or their mill or mills, or other utensil or utensils, and to whom by name, and whole apples or pears are the grain to be ground, pressed, and made into cyder or perry, and requiring such officer of excise to attend at the mill or other place so to be made use of, to take an account of the cyder or perry which shall be there made, and to charge the duty granted by this act thereupon, unless it shall appear that the cyder or perry so made is really and truly the property of any other compounder for the duty on cyder or perry to be continued in his or her private family only, or to be the property of any person not liable as hereinafter mentioned to pay the said duty, or to compound, within the meaning of this act, and such cyder or perry shall not be removed, on any pretence, without such certificate as aforesaid to compound the same, to prevent the seizure thereof. And every maker or makers of cyder or perry, during the time he, she, or they, shall compound for the duty granted by this act for cyder or perry to be consumed in his, her, or their private family or families shall let out or lend his, her, or their mill or mills, or other utensil or utensils, to any other person or persons for the purpose of making cyder or perry, or shall permit or suffer the same, or any of them, to be used for that purpose, without giving such notice in writing, as aforesaid, he, she, or they, shall respectively forfeit and lose for every such offence the sum of ten pounds.

XVIII Provided always, and it is hereby declared, That every person who uses his or her own mill, press, or other utensil for the making of cyder or perry for his or her own use, or procures cyder or perry to be made for him or her at the mill or press, or in the utensil of another person, shall be deemed to be a maker of cyder or perry within the intent and meaning of this act.

XIX Provided always, and it is hereby enacted and declared, That this act, or any thing therein contained, shall not extend to oblige any person or persons who do or shall pay the composition established by law for the duties on malt, during such time as he, she, or they shall compound for the said duties on malt, and no longer, to compound for or pay the duties on cyder or perry granted by this act, for the cyder or perry he, she, or they shall make, to be consumed in his, her, or

unless they shall sell, or otherwise dispose of, any part thereof; in which case they are to comply with the directions given with respect to Occupiers of tenements not rated above 40s. per ann. to the land tax, and not making more than 4 hogheads of cyder and perry in the whole in ..

their private family or families only: but if such compounders or compounders for the duties on malt shall be desirous of selling or otherwise disposing of or removing any cyder or perry, she, or they, shall be obliged to comply with the several directions herein before appointed to be observed by compounders for the duty on cyder and perry granted by this act, under the like penalties and forfeitures, and the like powers and authorities, as are hereby enacted for regulating the same.

XX. Provided always, and it is hereby enacted and declared, That this act, or any thing therein contained, shall not extend to oblige the occupiers of such tenements as are not rated to the land tax, at above forty shillings *per annum*, and pay accordingly, and who shall not make more than four hogheads of cyder and perry together in the whole, in any one year, to pay the duty granted by this act upon cyder and perry, or to compound for the same.

year, exempted from duties, or compounding.

Duties on cyder and perry drawn back on exportation;

and upon distillation thereof into low wines and spirits;

and upon the same being made into vinegar, and charged with the duties as such.

XXI. Provided always, and be it further enacted by the authority aforesaid, That the said duty of four shillings *per hoghead* upon cyder or perry charged by this act, shall and may be drawn back on the exportation of such cyder or perry, by the same means and methods, and under the same rules and directions, as the other duties, or any of them, now payable for cyder or perry, may be drawn back on the exportation thereof; and also, that the said duty on cyder and perry granted by this act, shall be drawn back or allowed upon the distillation of cyder or perry into low wines and spirits, by the same means and methods, and under the same rules and directions, as the other duties, or any of them, now payable for cyder or perry, may be drawn back or allowed upon the distillation thereof; and in case any cyder or perry which has been charged with, and hath paid, the said duty of four shillings granted by this act, shall hereafter, by being unfit for sale as cyder or perry, be charged with the duties on vinegar, it shall be lawful for three or more of the commissioners of excise for the time being, or two justices of the peace, within their several jurisdictions, on proof that such cyder or perry hath been charged with, and paid, the said duty granted by this act, and that the same cyder or perry hath been also charged with the duties on vinegar, to discharge or allow the duty granted by this act, which they are hereby required to do.

50l. penalty of opposing an officer in the execution of his office;

or of refusing,

XXII. And be it further enacted by the authority aforesaid, That if from and after the said fifth day of July, one thousand seven hundred and sixty-three, any person or persons whatsoever shall assault, resist, oppose, molest, or hinder, any officer or officers of excise in the due seizing or securing of any cyder or perry which, by any officer or officers of excise, shall or may be seized by virtue or in pursuance of this act, or in the execution of any of the powers and authorities by this act given and granted; or shall, by force or violence, rescue, or cause to be rescued,

rescued, any cyder or perry, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do; or, after such seizure, shall stove, break, or otherwise destroy or damage any casks, vessels, or package, wherein the same shall be contained; all and every the party or parties so offending, shall, for every such offence respectively, forfeit and lose the sum of fifty pounds.

or staving any cyder or perry after seizure made thereof.

XXIII. Provided always, and be it enacted by the authority aforesaid, That no information shall be brought, laid, or prosecuted, against any maker of cyder or perry, for any false misentry, or for any offence made or committed from and after the fifth day of July, one thousand seven hundred and sixty-three, unless such information be laid and entered before such persons appointed to determine the same, within three months next after such offence committed; and that notice thereof be given to such person or persons (against whom such information shall be laid) in writing, or left at their dwelling-houses, within one week after the laying and entering such information, to the end a timely prosecution may be had and made in defending the same; any thing in this act, or any other law, to the contrary notwithstanding.

Informations for offences against this act by the makers of cyder or perry, to be laid within 3 months after committed; and notice thereof to be given them.

XXIV. And be it further enacted by the authority aforesaid, That if either party think him, her, or themselves, aggrieved by any judgment or order to be given or made by any justices of the peace, in pursuance of this present act, touching or concerning the duties hereby granted, or any penalty and forfeiture relating to the same; it shall and may be lawful to and for such person or persons, so finding him, her, or themselves, aggrieved by such judgment or order, to appeal from the same to the justices assembled at the next general quarter sessions of the peace to be holden for the county, shire, or stewartry, where such judgment or order shall have been made; which said justices of the peace, or the major part of them, are hereby empowered to hear and finally determine the same; and no writ of *certiorari* shall be allowed or brought to set aside any determination of the said justices.

Persons aggrieved by the judgment of any justices of the peace, touching the duties or penalties, may appeal to the quarter sessions; and the determination of the said court is to be final.

XXV. And be it further enacted by the authority aforesaid, That the party or parties to appealing shall give notice in writing, by the space of six days next before such sessions shall be held as aforesaid, to the party or parties of the other side, of his, her, or their intention to bring such appeal; and that it shall and may be lawful to and for such justices, or the major part of them, in their quarter sessions, to award costs to either party as they shall, in their discretion, think fit, to be levied by warrant of the justices of the peace of such county, shire, or stewartry, or any two or more of them, on the goods and chattels of the party or parties against whom the same shall be awarded.

Appellants to give notice to the other parties, and court to award costs.

XXVI. Provided always, That in case there be not the space of six days between the first judgment or order of the two justices, and the quarter sessions then next following, that then

For want of sufficient time intervening, appeal may

be made to the second quarter sessions.

A re-hearing to be had of the merits of the case upon appeals;

and defects of form in the original proceedings may be rectified by the court.

All powers, rules, methods, penalties, and clauses in act 12 Car. II. or in any other act relating to the revenue of excise,

where not altered by this act, to be put in execution with respect to the duties on cyder and perry.

How the penalties and forfeitures relating thereto are to be recovered, mitigated, and applied.

the appeal may be made at the second quarter sessions after such judgment or order made.

XXVII. And be it further enacted by the authority aforesaid, That upon each and every such appeal and appeals, the justice assembled at such quarter sessions respectively, shall and may proceed to re-hear, re-examine, and re-consider the truth and merits of the fact and facts in question between the parties to such original judgment and judgments respectively, and to re-examine the witnesses thereto upon oath; and that thereupon the said justices so assembled shall and may finally determine of and concerning the truth and merits of the fact, and facts in question; and if at such quarter sessions any defect or defects of form shall be found in such proceedings, before the particular justices who gave such original judgment or judgments, that then and in every such case, such defect or defects of form shall and may be rectified by the order or orders of such justices so assembled in such quarter sessions.

XXVIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service and purveyance, and for setting a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing, frauds relating thereto, (not otherwise altered by this act) shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution, for the securing, enforcing, managing, raising, levying, collecting, paying, mitigating, and adjudging, ascertaining and recovering, the duties on cyder and perry, and penalties hereby granted, and for preventing, detecting, and punishing, frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this present act.

XXIX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by such part of this act as relates to cyder and perry, shall be sued for, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his

heirs,

heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XXX. And whereas the duty by this act imposed on cyder and perry, is required to be paid by the makers thereof: and whereas in the case of importation of cyder or perry from the islands of Jersey, Guernsey, Sark, or Alderney, the makers of cyder or perry imported from thence cannot be charged with the said duty; be it therefore enacted by the authority aforesaid, That the said duty of four shillings per hoghead shall be paid by the importer from the said islands, or either of them, before the landing thereof, to the collector or other officer of excise, at the port to which such cyder or perry shall be brought; and upon neglect or refusal to pay the said duty, such cyder or perry shall be forfeited, and shall and may be seized by any officer of excise.

Duty on cyder and perry brought from Jersey, Guernsey, Sark, or Alderney, to be paid by the importer, before landing, on penalty of being seized and forfeited.

XXXI. And be it further enacted and declared by the authority aforesaid, That in the office of the auditor of the receipt of the exchequer books shall be provided and kept, in which all the monies arising by the additional impositions, rates, and duties, upon wines and vinegar by this act granted, and the duties by this act granted upon cyder and perry, and respectively paid into the said receipt, shall be separately entered, distinct and apart from each other and from all other monies paid or payable to his Majesty, his heirs, or successors, upon any account whatsoever; and the said monies so arising from the said additional impositions, rates, and duties upon wines and vinegar, and the said duties upon cyder and perry, and paid into the said receipt of exchequer, shall be the fund for the purposes herein after mentioned.

The monies arising by the respective duties granted by this act to be entered in proper books in the auditor's office separately from each other, and from all other monies; and to be a fund for the following purposes.

XXXII. And be it further enacted and declared by the authority aforesaid, That the annuities which by this act are herein after directed to attend the principal sum of three millions and five hundred thousand pounds, shall be charged and chargeable upon, and payable out of, the said additional impositions, rates, and duties by this act granted upon wines and vinegar, and the duties granted by this act upon cyder and perry, composing the fund hereby established for the payment thereof; and the said additional impositions, rates, and duties upon wines and vinegar, and the said duties upon cyder and perry, are hereby appropriated for that purpose accordingly.

The said duties appropriated for the payment of the annuities chargeable on the principal sum of 3,500,000 l. to be used on the credit of this act.

XXXIII. And whereas the commons of Great Britain in parliament assembled, have resolved, That towards the supply granted to his Majesty in this present session of parliament, the sum of three millions and five hundred thousand pounds be raised in manner following; that is to say, The sum of two millions and eight hundred thousand pounds by annuities, after the rate of four pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament; and the sum of seven hundred thousand pounds, by two lotteries, to be drawn at different times, in the year one thousand seven hundred and sixty-three, each lottery to consist of thirty-five thousand tickets,



Subscribers  
who, pursuant  
to a resolution  
of the com-  
mons, have  
made deposits  
of 12 l. 10 s.  
per cent. of  
the sums sub-  
scribed by  
them, towards  
the purchase  
of annuities  
of the sum of  
2,800,000 l.  
and of 10 l.  
per cent. on  
the sum of  
250,000 l. up-  
on each of the  
lotteries, are  
to make their  
further pay-  
ments, viz.  
in respect of  
their propor-  
tional share of  
of 2,800,000 l.  
12 l. 10 s. per  
cent. by 10  
May,  
12 l. 10 s. per  
cent. by 10  
June,  
12 l. 10 s. per  
cent. by 21  
July,  
12 l. 10 s. per  
cent. by 30  
August,  
12 l. 10 s. per  
cent. by 17  
Sept.  
12 l. 10 s. per  
cent. by 21  
October,  
and the re-

kers, and every blank to be of the value of five pounds; the blanks and prizes to be attended with the like transferrable and redeemable annuities: and whereas pursuant to and upon the several terms and conditions expressed in the said resolution, several persons have, in books opened at the bank of *England* for that purpose, subscribed together, the whole of the said sum of three millions and five hundred thousand pounds, and made deposits with the cashier or cashiers of the governor and company of the bank of *England*, of twelve pounds and ten shillings *per centum*, in part of the sum subscribed towards the said sum of two millions and eight hundred thousand pounds, and of ten pounds *per centum*, in part of the sum subscribed towards raising the sum of three hundred and fifty thousand pounds, upon each of the said lotteries; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all persons, natives or foreigners, bodies politick or corporate, who, on or before the fifteenth day of *March*, one thousand seven hundred and sixty-three, shall have subscribed towards the said sums, and made in respect thereof such deposits aforesaid, to advance and pay, and they or their executors, administrators, successors, and assigns, are hereby required to advance and pay unto the cashier or cashiers of the said governor and company of the bank of *England*, which cashier or cashiers is and are hereby appointed the receiver and receivers of such contributions, without any other warrant to be had on that behalf, the several remainder of the sums by them respectively subscribed towards the said sum of three millions and five hundred thousand pounds, at or before the respective times or days, and in the proportions herein after limited and appointed on that behalf; that is to say, in respect of their proportionable share of the said sum of two millions and eight hundred thousand pounds, the further sum of twelve pounds and ten shillings *per centum*, being part of the sum so remaining, on or before the tenth day of *May*, one thousand seven hundred and sixty-three; the further sum of twelve pounds and ten shillings *per centum*, other part thereof, on or before the sixteenth day of *June* then next following; the further sum of twelve pounds and ten shillings *per centum*, other part thereof, on or before the twenty-first day of *July* then next following; the further sum of twelve pounds and ten shillings *per centum*, other part thereof, on or before the thirtieth day of *August* then next following; the further sum of twelve pounds and ten shillings *per centum*, other part thereof, on or before the twenty-seventh day of *September* then next following; the further sum of twelve pounds and ten shillings *per centum*, other part thereof, on or before the twenty-first day of *October* then next following; and the remaining sum of twelve pounds and ten shillings *per centum*, on or before the twenty-fourth day of *November* then next following; and in respect of their proportionable share of the monies to be contributed on the first lottery, the remaining sum of ninety pounds *per centum*, on or before the twenty-first day of *April*, one thousand seven hundred

hundred and sixty-three, for completing the payments in respect of the said lottery; and in respect of their proportionable share of the monies to be contributed on the second lottery, the remaining sum of ninety pounds *per centum*, on or before the eleventh day of *October* then next following, for completing the payments in respect of such second lottery.

per cent. by 21 *Novembris*, and of the second lottery, 901. per cent. by 21

XXXIV. And be it further enacted by the authority aforesaid, That the several subscribers or contributors, their executors, administrators, successors, and assigns, in respect of the said sum of two millions and eight hundred thousand pounds, shall be entitled to an annuity after the rate of four pounds *per centum per annum* for and upon every one hundred pounds by them respectively subscribed, advanced, and paid towards the said sum, redeemable by parliament; and shall also for every eighty pounds so subscribed towards the said sum of two millions and eight hundred thousand pounds, be entitled to a ticket in each of the said lotteries, upon payment of the sum of ten pounds for every such ticket; and that the sum of seven hundred thousand pounds so rated by the said lotteries, shall carry an annuity after the rate of four pounds *per centum per annum*, redeemable by parliament; and that all the said annuities shall commence and be computed from the fifth day of *April*, one thousand seven hundred and sixty-three, and shall be paid by half-yearly payments, in even and equal portions, on the tenth day of *October* and the fifth day of *April* in every year.

last year, viz on 10 Oct and

XXXV. And be it further enacted by the authority aforesaid, That such subscribers or contributors, their executors, administrators, successors, and assigns, paying in the whole of the sums by them respectively subscribed towards the said sum of two millions and eight hundred thousand pounds, on or before the twentieth day of *October*, one thousand seven hundred and sixty-three, or paying in the whole of the sums subscribed towards the said lottery, on or before the twentieth day of *October*, or on or before the twentieth day of *October* then next following; shall be entitled to an allowance of so much money as the interest of the respective sums so paid in shall amount to, after the rate of three pounds *per centum per annum*, from the day on which such payments shall have been actually made, to the twenty-fifth day of *November*, one thousand seven hundred and sixty-three, in respect of the monies so paid for completing their contributions towards the said sum of two millions and eight hundred thousand pounds; and to the twenty-fifth day of *April*, one thousand seven hundred and sixty-three, in respect of the monies so paid for completing their contributions for the first lottery; and to the eleventh day of *October*, one thousand seven hundred and sixty-three, in respect of the monies so paid for completing their contributions for the second lottery; which allowances shall

maining 121. 10 s per cent by 24 November, 1763; and in respect of the monies in the first lottery, 901. 0 s 11 63.

Amountants entitled to 4 l. per cent interest on the said sum of 2,800,000 l. and to a ticket in each lottery, for every 80 l. subscribed, upon payment of 10 l. for each ticket. The 2,800,000 l. rated by the lotteries to carry an annuity of 4 l. per cent. Annuities to take place on 5 April, 1763, and to be paid 5 April.

Contributors paying in the whole of their subscriptions towards the said sum of 2,800,000 l. on or before 18 Oct, or towards the said lottery on or before 20 April, or towards the second lottery on or before 1 Oct, to be allowed interest for the same, at the rate of 3 l. per cent. per ann. from the time of such payment, to 24 Nov in respect of the said sum of 2,800,000 l. and to 11 Oct in re-

spect of the said lottery, and to 11 Oct. on the second lottery.

And those paying in the whole of their subscription towards each of the said lotteries, to have tickets delivered them to the amount of their

shall be paid by the said cashiers out of the monies so contributed respectively, as soon as such subscribers or contributors, their executors, administrators, successors, or assigns, shall have completed such respective payments; and that all the subscribers or contributors towards the said lotteries, their executors, administrators, successors, or assigns, paying in the whole of the sums subscribed towards each or either of the said lotteries, shall also have tickets for the lottery, in respect whereof every such payment shall be completed, delivered to them to the amount of the sums so respectively paid, at the rate of ten pounds for each ticket, as soon as such tickets can conveniently be made out.

Annuities transferable at the bank.

Cashier of the bank to give receipts for the monies paid in;

which are assignable at any time before 1 Dec. 1763

Cashier to give security;

and to pay the monies into the exchequer.

Treasury to apply the monies to the services voted by the commons.

XXXVI. And be it further enacted, That all the annuities aforesaid shall be transferrable at the bank of *England*.

XXXVII. And be it further enacted by the authority aforesaid, That the cashier or cashiers of the governor and company of the bank of *England*, who shall have received or shall receive any part of the said contributions towards the said sum of two millions and eight hundred thousand pounds, shall give a receipt or receipts in writing to every such contributor for all such sums, and that the receipts to be given shall be assignable, by indorsement thereupon made, at any time before the fifth day of *December*, one thousand seven hundred and sixty-three, and no longer.

XXXVIII. Provided always, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury, or the high treasurer for the time being, for duly answering and paying into the receipt of his Majesty's exchequer for the publick use, all the monies which they have already received, and shall hereafter receive, from time to time, of and for the said sum of three millions and five hundred thousand pounds, and for accounting duly for the same, and for performance of the trust hereby in them reposed; and shall from time to time pay all such monies as soon as he or they shall receive the same, or any part thereof, or within five days afterwards at the farthest, and shall account for the same in the exchequer, according to the due course thereof, deducting thereout such sums as shall have been paid by him or them in pursuance of this act; for which sums so paid allowance shall be made in his or their accounts.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for three or more of the commissioners of the treasury, or the high treasurer for the time being, to issue and pay, from time to time, all such sums of money as shall be to be paid into the receipt of his Majesty's exchequer by the said cashier or cashiers, to such services as shall then have been voted by the commons of *Great Britain* in this present session of parliament.

XL. And be it further enacted by the authority aforesaid, That in the office of the accountant-general of the governor and company of the bank of *England* for the time being, a book or books shall be provided and kept, in which the names of the contributors shall be fairly entered; which book or books the said respective contributors, their respective executors, administrators, successors, and assigns, shall and may, from time to time, and at all reasonable times, resort to and inspect without any fee or charge; and that the said accountant-general shall, on or before the fifth day of *July*, one thousand seven hundred and sixty-five, transmit an attested duplicate, fairly written on paper, of the said book or books into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

Contributors names, &c. to be entered in the office of the accountant-general of the bank.

Duplicate thereof to be transmitted into the auditor's office by 5 July, 1765.

XLI. And be it further enacted by the authority aforesaid, That such contributors, duly paying the whole sum or sums subscribed at or before the respective times in this act limited in that behalf, and their respective executors, administrators, successors and assigns, shall have, receive, and enjoy, and be intitled by virtue of this act, to have, receive, and enjoy their proportionable share of the said annuities of four pounds *per centum per annum*, by this act granted, and shall have good and sure interests and estates therein, subject nevertheless to redemption, as is herein after mentioned; and that all the annuities by this act granted shall be free from all taxes, charges, and impositions whatsoever.

Contributors duly paying their subscriptions, intitled to a proportional share in the annuities till redeemed by parliament,

the same to be tax free.

XLII. Provided always, That in case any such contributors who have already deposited with, or shall hereafter pay to, the said cashier or cashiers, any sum or sums of money at the times and in the manner before mentioned, in part of the sum or sums so by them respectively subscribed towards the said sum of two millions and eight hundred thousand pounds, or their respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers the residue of the sum or sums so subscribed at the times and in the manner before mentioned, then, and in every such case, so much of the respective sum or sums so subscribed as shall have been actually paid in part thereof to the said cashier or cashiers shall be forfeited for the benefit of the publick; and all right and title to the said annuity after the rate of four pounds *per centum per annum* in respect thereof, shall be extinguished; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Contributors not making good their payments within the time limited, to forfeit their deposits,

and all right to the said annuities.

XLIII. And be it further enacted by the authority aforesaid, That as soon as any contributors, their executors, administrators, successors, or assigns, shall have completed their payments of the whole sum payable by them respectively towards the said sum of two millions and eight hundred thousand pounds, the principal sum or sums so by them subscribed and paid respectively shall forthwith be, in the books of the bank of *England*, placed to the credit of such respective contributors, their executors,

Principal sums to be placed to the credit of the respective contributors:

cutors, administrators, successors and assigns completing such payments respectively; and the persons to whose credit such principal sum shall be so placed, their respective executors, administrators, successors or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, body or bodies, politic or corporate whatsoever, in the books of the bank of England; and such sums shall carry an annuity after the rate of four pounds *per centum per annum*, redeemable by parliament, and shall be taken and deemed to be stock transferrable, according to the true intent and meaning of this act, until redemption thereof in such manner as is herein after mentioned.

The same may be assigned, and carry annuities of four per cent.

Deficiencies of the fund established for payment of the said annuities, to be made good from time to time out of the sinking fund;

XLIV. And it is hereby enacted by the authority aforesaid, That if at any time or times it shall happen that the produce of the fund by this act established for payment of the said annuities, shall not be sufficient to pay and discharge the same, and other charges directed to be paid at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid; then and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surpluses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf;) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if, at any time or times before any monies of the said duties shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the said annuities, which shall be actually incurred and grown due at any of the half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the sinking fund (except as before excepted) and be issued accordingly.

which are to be replaced out of the first supplies.

XLV. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament.

Surplus monies reserved for the disposition of parliament.

XLVI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the said additional impositions, rates, and duties, upon wines and vinegar, and of the said duties upon cyder and perry, by this act granted and collected, as the fund for payment of the said annuities, after the said annuities and charges and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose; such surplus or remainder shall from time to time be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former

Manager or other act or acts of parliament to the contrary notwithstanding.

XLVII. And, for establishing a proper method for drawing the said lotteries, be it further enacted by the authority aforesaid, That such persons as any three or more of the commissioners of his Majesty's treasury, or the high treasurer for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to have the drawing of lots, and to order, do, and perform, such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers or directors shall meet together, from time to time, at some publick place or place for the execution of the powers and trusts in them reposed by this act; and that the said managers and directors, or so many of them as shall be present at any such meeting, or the major part of them, shall, for each of the said lotteries, cause books to be prepared, in which every leaf shall be divided or distinguished into three columns; and upon the innermost of the said three columns there shall be printed thirty-five thousand tickets, to be numbered I, II, III, and so onwards in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of thirty-five thousand; and upon the middle column in every of the said books shall be printed thirty-five thousand tickets of the same breadth and form, and numbered in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes, or devices, in such manner as the said managers and directors, or the major part of them, shall think most safe and convenient; and that every ticket in the said third or extreme column of the said books, for the first lottery, shall have written or printed thereupon (besides the number of such ticket) words to this effect:

Managers and directors of the lottery to be appointed by the treasury.

Method of the lottery books.

35,000 tickets to be printed off.

### FIRST LOTTERY, 1763.

**T**HE bearer hereof is entitled to five pounds, in annuities, at the rate of four pounds per centum per annum, attending the first lottery, to be drawn pursuant to an act of parliament made in the third year of his Majesty's reign, or to a better chance.

And that every ticket in the third or extreme column of the said books, for the second lottery, shall have written or printed thereupon (besides the number of such ticket) words to this effect:

## SECOND LOTTERY, 1763.

**T**HE bearer hereof is intituled to five pounds, in annuities, at the rate of four pounds per centum per annum, attending the second lottery, to be drawn pursuant to an act of parliament made in the third year of ~~his~~ Majesty's reign, or to a better chance.

Managers to examine the books with the tickets, and deliver them after to the cashiers of the bank, taking a receipt for the same.

Cashiers, to issue a ticket for every toll received, &c.

Cashiers to return the books with the remainder of the tickets undisposed, in respect of the first lottery, by 4 May; and of the second, by 29 October.

**XLVIII.** And it is hereby enacted, that the said managers and directors, or so many of them, as shall be present at any such meeting, or the major part of them then present, shall carefully examine the said respective books, with the tickets therein, and take care that the same be contrived, numbered, and made, according to the true intent and meaning of this act, and shall deliver, or cause to be delivered, the same books, and every or any of them respectively, as they shall be examined, to the said cashier or cashiers, taking from such cashier or cashiers, an acknowledgment in writing under his or their hand or hands, importing his or their receipt of such book or books, and so many tickets therein as shall be delivered to him or them respectively; and all and every such cashier or cashiers respectively is and are hereby directed and required, upon his or their receiving every or any entire sum of ten pounds, in full payment of a ticket, for either of the said lotteries, from any person or persons contributing or adventuring as aforesaid, to cut a ticket for such respective lottery, out of the said extreme column, in one of the books so to be put into his or their custody, through the said oblique lines, flourishes, or devices, indentwise, which ticket the said cashier or cashiers shall sign with his or their own name or names; and he or they shall permit the contributor, if it be desired, to write his or her name or mark on the corresponding ticket in the same book; and at the same time the said cashier or cashiers shall deliver to the said contributor the ticket so cut off, which he, she, or they, are to keep and use for the better ascertaining and securing the interest which he, she or they, his, her, or their executors, administrators, successors, or assigns, shall or may have in the said fund.

**XLIX.** And be it further enacted by the authority aforesaid That the said cashier or cashiers if all, at or before the respective times herein after limited, redeliver to the said managers and directors, at their office or place of meeting, all the said books and therein all the tickets which the said cashier or cashiers shall not have cut off and delivered to the respective contributors aforesaid; that is to say, such of the said books and tickets as relate to the first lottery, shall be so redelivered on or before the fourth day of May, one thousand seven hundred and sixty-three; and such of the said books and tickets as relate to the second lottery, shall be so delivered on or before the twenty-ninth day of October, one thousand seven hundred and sixty-three.

And the said cashier or cashiers shall, at the time of such redelivery of the said respective books, give to the said managers and directors, a true and just account in writing, under his or their hand or hands, of all sums of money which shall then have been received by him or them, for and upon account of the lottery in respect whereof such books shall be so redelivered, and how much of such monies shall have been actually paid by such cashier or cashiers into the receipt of the exchequer, for the purposes herein mentioned; and that the said managers and directors, or the major part of them, which shall be present as aforesaid, shall forthwith cause all the tickets of the said outermost columns, which shall not have been delivered to the contributors as aforesaid, if any such be, to be delivered into the receipt of his Majesty's exchequer, there to be retained and kept as cash, to be issued, sold, and disposed of, for raising money for the purposes in this act mentioned, as any three of the commissioners of his Majesty's treasury, or the high treasurer for the time being, shall judge reasonable and fitting.

and account  
for the monies  
received.

Tickets un-  
disposed of to  
be delivered  
into the ex-  
chequer.

L. And be it further enacted, That the said managers and directors, or the major part of them which shall be present at any meeting as aforesaid, shall cause all the tickets of the middle columns in the books made out with three columns as aforesaid, which shall be delivered back to them, by or from the said cashier or cashiers as aforesaid, to be carefully rolled up and made fast with thread or silk; and the said managers or directors, or the major part of them as aforesaid, shall in their presence, and in the presence of such contributors or adventurers as will be there, cause the said tickets which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, forwishes, or devices, into a box to be prepared for that purpose, and to be marked with the letter (A) which is presently to be put up into another strong box, and to be locked with seven different locks and keys to be kept by as many of the said managers, and sealed with their seals or the seals of some of them, until the said tickets are to be drawn as is herein after mentioned; and that the tickets in the first or innermost columns of the said books, shall remain still in the books, for discovering any mistake or fraud (if any such should happen to be committed) contrary to the true meaning of this act.

Tickets of the  
middle co-  
lunns to be  
rolled up, and  
fastened with  
silk;

and cut off  
indentwise  
into a box  
marked with  
the letter (A)  
Box to be  
locked up and  
sealed.

LI. And be it further enacted by the authority aforesaid, That the said managers and directors, or the major part of them, which shall be present at any meeting as aforesaid, shall also prepare, or cause to be prepared, other books for each of the said lotteries, in which every leaf shall be divided or distinguished into two columns; and upon the innermost of those two columns there shall be printed thirty-five thousand tickets for each lottery; and upon the outermost of the said two columns there shall be printed thirty-five thousand tickets, all which shall be of equal length and breadth, as near as may be; and each two columns in the said respective books shall be joined

Books to be  
prepared with  
two columns,  
on each of  
which shall be  
printed  
35,000  
tickets to be  
printed



The number and value of the fortunate tickets.

The number and value of the fortunate tickets.

col. to the first drawn ticket, and  
col. to the last drawn.  
Value of the blanks.

Tickets of the outermost columns of the last mentioned book to be rolled up and tied,

and cut out indentwise, into a box marked with the letter (B) Box to be locked up and sealed.

with some flourish or device, through which the outermost tickets may be cut off indentwise; and that in each lottery five thousand eight hundred tickets, part of those to be contained in the outermost columns of the books last mentioned, shall be and be called the fortunate tickets, to which extraordinary benefits shall belong, as is herein aftermentioned; and the said managers and directors, or the major part of them, or such of them as shall be present at any meeting as aforesaid, shall cause the said fortunate tickets for each lottery to be written upon, or otherwise expressed, as well in figures as in words at length, in manner following; that is to say, upon two of them severally, ten thousand pounds, principal money; upon two of them severally, five thousand pounds, principal money; upon every one of four of them severally, two thousand pounds, principal money; upon every one of ten of them severally, one thousand pounds, principal money; upon every one of twenty-seven of them severally, five hundred pounds, principal money; upon every one of one hundred and twenty-five of them severally, one hundred pounds, principal money; upon every one of five hundred and thirty of them severally, fifty pounds, principal money; upon every one of five thousand and one hundred of them severally, twenty pounds, principal money: which principal sums so to be written, or otherwise expressed upon the said fortunate tickets in each lottery, together with five hundred pounds, principal money, to be allowed to the owner of the first drawn ticket, and one thousand pounds, principal money, to the owner of the last drawn ticket in each lottery, over and above the benefits which may happen to belong to the two last mentioned tickets and together with the sum of five pounds to be paid or allowed for and upon each blank or unfortunate ticket of the said lotteries, will amount in the whole, for each lottery, to the principal sum of three hundred and fifty thousand pounds; to be converted into annuities by virtue of this act, in respect of the said lotteries; and the said managers and directors, or the major part of them, who shall be present at any meeting as aforesaid, shall cause all the said tickets contained in the outermost columns of the said last mentioned books for each lottery, to be in the presence of the said managers and directors, or the major part of them, which shall be present at any meeting as aforesaid, and in the presence of such contributors or adventurers as will then be there, to be carefully rolled up and fastened with thread or silk, and carefully cut out indentwise through the said flourish or device, into another box to be prepared for this purpose, and to be marked with the letter (B) which box shall be put into another box, and locked up with seven different locks and keys, to be kept by as many of the said managers, and sealed up with their seals, or the seals of some of them, until these tickets shall also be drawn in the manner and form herein after mentioned; and that the whole business of rolling up and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed re-

ely by the said managers and directors, or such of them as aforesaid, before the last six days immediately preceding the day by this act appointed for the drawing the respective lottery, to which such business shall relate: and to the end every person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box marked with the letter (A) from whence the same may be drawn, and that other matters are done as hereby directed, some publick notification in print shall be given of the precise time or times of putting the said tickets for each of the said lotteries into the said boxes, to the end that such adventurers as shall be minded to see the same done, may be present at the doing thereof.

Publick notice to be given of times of putting the tickets into the boxes.

LII. And be it further enacted by the authority aforesaid, That on or before the thirtieth day of *May*, one thousand seven hundred and sixty-three, the said managers and directors shall cause the said several boxes, with all the tickets therein for the first lottery, and on or before the twenty-eighth day of *November*, one thousand seven hundred and sixty-three, the said managers and directors shall cause the said several boxes with the tickets therein for the second lottery, to be respectively brought into the *Guildhall* of the city of *London*, so that the same may be there, and placed on a table provided for that purpose, by nine of the clock in the forenoon of the said respective days, and shall then and there severally attend this service, and cause the two boxes, containing the said tickets, to be severally taken out of the other two boxes, in which they shall have been locked up; and the tickets or lots in the respective innermost boxes being, in the presence of the said managers and directors, or such of them as shall be then present, and of such adventurers as will be there for the satisfaction of themselves, well shaken and mingled in each box distinctly; some one indifferent and fit person, to be appointed and directed by the said managers, or the major part of them, or such of them as shall be then present, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put; and one other indifferent and fit person, to be appointed and directed in like manner, shall take out a ticket or lot from the box where the said five thousand eight hundred fortunate, and the twenty-nine thousand two hundred blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets so drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud, and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn, shall be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate ticket, whatsoever it be, shall be entered by a clerk, which the said managers, or the major part of them as aforesaid, shall employ and oversee for this purpose, into a book to be kept for entering

First lottery to begin drawing on or before 30 May; and the second, on or before 28 Nov.

Method to be observed in drawing, &c.

entering the numbers coming up with the said fortunate tickets, and the principal sums whereunto they shall be intitled respectively, and two of the said managers shall set their names as witnesses to such entries; and the said fortunate and numbered tickets so drawn together, shall be put upon another file; and so the said drawing of the tickets shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering the fortunate lots in such method as is before mentioned, until the whole number of five thousand eight hundred fortunate tickets, and one more for the last drawn as aforesaid, shall be completely drawn in each lottery; and as the same cannot be performed in one day's time, the said managers or directors shall cause the boxes to be locked up and sealed in manner as aforesaid, and adjourn till the next day, and so from day to day, and every day (except *Sundays, Christmas-day, thanksgiving and fast days*) and then open the same, and proceed as above, till the said whole number of five thousand eight hundred fortunate tickets, and one more, shall be completely drawn in each lottery respectively as aforesaid; and afterwards the said numbered tickets so drawn, and the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and settle the property thereof.

After each day's drawing, the boxes to be locked up and sealed.

Numbers of the fortunate tickets, and the sums, in each lottery, to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates,

LIII. And to the end the fortunate may know, whether absent or present, to what degree they have been so, be it enacted, That the said managers shall, as soon as conveniently may be, after the said drawing of each lottery is over, cause to be printed and published, the number of the tickets drawn against each fortunate ticket, and the principal sum written on the same; and if any contention or dispute shall arise in the adjusting the property of the said fortunate tickets, the major part of the said managers agreeing therein, shall determine to whom it doth or ought to belong; and if any person or persons shall forge or counterfeit any ticket or tickets, certificate or certificates, to be made forth by this act, or alter any the numbers thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged, or counterfeit ticket or tickets, certificate or certificates, or shall bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or to the cashier or accountant general of the bank of *England* for the time being, or to any other person or persons whatsoever, with a fraudulent intention, then every such person or persons being thereof convicted, in the form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and the said managers and directors, or any two or more of them, are hereby authorized, required, and empowered, to cause any person or persons bringing or importing such forged or counterfeit ticket or tickets, certificate or certificates as aforesaid, to be apprehended, and to commit him,

Felony.

er, or them, to his Majesty's gaol of newgate, or to the common gaol of the county or place where such person or persons shall be so apprehended, to be proceeded against for the said felony according to law.

LIV. Provided always, and it is hereby enacted by the authority aforesaid, That every person that shall be appointed as a manager and director for putting this act in execution, before his acting in such commission, shall take the oath following; that is to say, Managers to be sworn.

**I** A. B. do swear, That I will faithfully execute the trust reposed in me, as a manager and director of the lotteries, established by an act made in the third year of his present Majesty's reign; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot, for myself, or any other person whatsoever; and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgment, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the said act. The oath;

which said oath shall and may be administered by any two or more of the other managers and directors. to be administered by 2 managers.

LIV. Provided always, That it shall and may be lawful to and for the said cashier or cashiers, having given security as aforesaid, at any time or times before such cashier or cashiers shall have received any book or books for the said respective lotteries from the said managers, comprising the said thirty-five thousand tickets for each lottery in three columns as aforesaid, to receive from any person or persons who will voluntarily offer, contribute, and advance the residue of any sum of ten pounds, or several sums of ten pounds, upon this act as aforesaid, the sum so offered to be contributed or advanced at one entire payment, upon both or either of the said lotteries, or in such proportions and manner as aforesaid, before such cashier or cashiers shall have received such respective book or books; and the said cashier or cashiers shall give a note or receipt under his or their hand or hands, for the sum or sums so contributed, specifying the lottery in respect whereof such monies are paid; and shall be obliged thereby, and by this act, to give the bearer of every such note or receipt, a ticket or tickets of the extreme column of the three columns book or books aforesaid in the same lottery, for every ten pounds to contribute, paid or answered, as soon as he or they shall be enabled thereunto, by delivery of any such book or books to him or them from the said managers as aforesaid; any thing herein contained to the contrary notwithstanding. to give receipts for the same, and the bearers intitled to a lottery ticket for every 10 l. paid.

LVI. Provided also, That in case any such contributor or adventurer as aforesaid, who shall have advanced and paid not making

payments  
with respect to  
the said lot-  
teries, within  
the times li-  
mited, to for-  
feit their de-  
posits.

down to such cashier or cashiers, a proportion of his, her, or their consideration-money towards the said respective lotteries, his, her, or their executors, administrators, successors or assigns, do not advance and pay unto such cashier or cashiers the remaining part of his, her, or their consideration-money so to be paid in full for such tickets as aforesaid, on or before the respective times for paying thereof, as aforesaid, that then, and in every such case, every such contributor or adventurer shall forfeit and lose to his Majesty, for the use of the publick, the proportion of his, her, or their purchase-money which he, she, or they shall have so paid down as aforesaid, towards and upon account of the lottery in relation to which such default shall be made; and in such case, no ticket or tickets for such lottery shall be delivered out by the said cashier or cashiers to such contributor or contributors making such default, but the ticket and tickets which should have been delivered to such contributor and contributors, had they paid the full money for the same, shall be returned and delivered to the said managers and directors by the said cashier or cashiers, together with the other ticket or tickets (if any) in the outermost column of the respective book and books first herein mentioned, and directed to be prepared, which shall not have been disposed of to contributors as aforesaid; and such ticket and tickets, upon and for which defaults or payment shall have been made as aforesaid, shall be delivered into the receipt of his Majesty's exchequer, with other the said undisposed tickets (if any) there to be retained and kept as cash, and to be issued, sold, and disposed of, for the purposes, and in the manner, herein before directed and appointed with respect to the said undisposed tickets: and the said contributor and contributors making such default, shall not have or receive, or be intitled to have or receive, any benefit or advantage for or in respect of the money which he, she, or they shall have paid for or towards the purchase of such ticket or tickets, any thing herein contained to the contrary notwithstanding.

Treasury to  
reward the  
man and  
clerk  
defray all  
incidental  
charges of  
the lottery

LVII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies to arise by and out of any of the supplies granted in this session of parliament, it shall and may be lawful to and for any three or more of the commissioners of the treasury, or the high treasurer for the time being, to reward the said managers and directors, and the clerks and officers to be employed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains, and to discharge such incidental expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Limitati  
on of sale o  
chances &c.

LVIII. And be it further enacted by the authority aforesaid, That no man or persons shall sell the chance or chances of any tickets, or any share or shares of any ticket or tickets,

in each or either of the said lotteries, for a day, or part of a day, or for a longer time less than the whole time of drawing the lottery, then to come; or shall receive any money whatsoever in consideration of the re-payment of any sum or sums of money, in case any ticket or tickets in each or either of the said lotteries shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets, either as to the time of such ticket or tickets being drawn, or whether such ticket or tickets be drawn, fortunate or unfortunate; and all and every person and persons who shall offend in any of the aforesaid matters, shall forfeit and pay treble the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*: in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and every such sale, wager, or contract, and every agreement relating thereto, shall be and is hereby declared null and void.

Penalty.

LIX. And be it further enacted by the authority aforesaid, That if any person or persons shall keep any office or offices, or shall print or publish any scheme or proposal, for receiving any sum or sums of money in consideration of any interest to be granted for the same, in any ticket or tickets in each or either of the said lotteries, whereof such person or persons shall not then be actually possessed; or in consideration of any sum or sums of money to be repaid in case any ticket, or number of tickets, in each or either of the said lotteries, which shall not be in the actual possession of such person or persons, shall prove fortunate or unfortunate; all and every such person and persons shall forfeit and pay the sum of five hundred pounds; to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*; in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and also shall suffer three months imprisonment without bail or mainprize.

Persons selling shares in tickets of which they are not possessed.

forfeit good,

LX. And be it further enacted by the authority aforesaid, That if any offence against this act, or any of the acts of parliament made in this kingdom, for preventing private and unlawful lotteries, shall be committed in *Ireland*, the offender shall incur the like penalty and punishment to be inflicted in like manner as if the offence was committed in this kingdom; and that such penalties as by this act, or the said acts, are intended to be recovered in any of his Majesty's courts of record at *Westminster*, shall, in case of offences committed against this act, or any of the acts of parliament made in *Ireland*, for preventing unlawful lotteries, be made punishable, and the penalties may be sued for in *Dublin*.

this act, or any of the said acts, in *Ireland*, be recovered in any of his Majesty's courts of record in *Dublin*.

After the drawing of the lottery, the tickets to be exchanged for certificates.

LXI. And to the end that all and every the payments, as well upon the fortunate as upon the unfortunate tickets, may be more easily ascertained, settled, and adjusted, for the persons who shall be and become intitled thereunto, be it further enacted by the authority aforesaid, That as soon as conveniently may be, after the drawing of each lottery shall be completed and ended, all and every the said tickets to be drawn out as aforesaid shall be exchanged for certificates, to be signed by such of the said managers as shall be appointed for that purpose.

Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c.

LXII. And be it further enacted, That such of the said managers as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall appoint to take in the said tickets, and deliver out the said certificates for and in lieu thereof shall give timely notice, by advertisement to be printed and published in manner as they shall think fit, of the days and times for taking in the said tickets, and delivering out the said certificates for and in lieu of the time, and every persons certificate shall be numbered in order, in respect of each lottery, according to the admission of the tickets to the managers so to be appointed for each lottery, the time, to which purpose such managers shall enter, or cause to be entered into a book or books to be by them kept for that purpose for each lottery, the name of every person who shall bring any ticket or tickets to be exchanged for such certificate or certificates, and the number or numbers of the ticket or tickets which shall be brought by such person or persons, the value in principal money payable thereupon, and the day of the month, and the year of our Lord when the same was to be paid, which receipt book and books shall be open and accessible to be applied for taking in the said tickets to be exchanged for such certificates, for all persons concerned to peruse, all which certificates shall be signed by the managers so to be appointed, or the major part of them, and be directed to the accountant general of the bank of *England* for the time being.

Books to be kept for entering the names of persons bringing tickets to be exchanged, and the numbers of the said tickets, &c.

Certificates to be signed, &c.

Accountant general of the bank is to give credit for the principal sums contained in the certificates, and assignments may be made of the said sums, &c.

LXIII. And be it further enacted by the authority aforesaid, That the said accountant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in a book or books to be by him provided and kept, for the principal sums contained in every such certificate, and the persons to whose credit such principal sums shall be entered in the said book or books, his, or their executors, administrators, successors, and assigns, shall and may have power to assign or transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politic or corporate whatsoever, in books to be prepared and kept by the said accountant general, and the said principal sums so entered, shall, or may be

ferred, shall carry the said annuity of four pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by virtue of this act, until the redemption thereof in manner herein after mentioned, and the said accomptant-general of the bank of England for the time being is hereby authorized and directed to cancel and file the certificates as they shall from time to time be received and taken in by him, and to give the persons bringing in the same, a note under his hand, testifying the principal money for which they shall have credit in the said book or books by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same

and he is to file and cancel the certificates, and give notes in lieu thereof.

LXIV And, for the more easy and sure payment of all the annuities established by this act, be it further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall, from time to time, until all the said annuities, after the rate of four pounds *per centum per annum*, shall be redeemed, appoint and employ one or more sufficient person or persons within the said office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general and that so much of the main is applicable to this purpose as shall be requisite, from time to time, to answer the said annuities, and other payments herein directed to be made out of such monies shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant, to be signed, sealed, and entered, in that behalf, from time to time, at the respective days of payment in this act appointed for payment thereof, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of the bank of England, and their successors for the time being, by way of impress and upon account, for the payment of the said annuities payable by virtue of this act, and that such cashier or cashiers to whom the said monies shall from time to time be issued, shall from time to time, without delay, pay the same accordingly, and render his or their accounts the cost, according to the due course of the exchequer

A chief cashier, and accomptant-general, to be appointed by the bank for paying the annuities.

The treasury to issue money for that purpose to the said cashier

who is to account for the same

LXV And be it further enacted by the authority aforesaid, That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence, or delay, and that all persons who shall be intitled to any of the annuities hereby granted, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, which shall not be devisable to heirs, nor liable to any foreign attachment by the custom of London, or otherwise, any law, statute, or custom, to the contrary notwithstanding

Accomptant-general to examine the receipts and payments of the cashier

Annuities deemed a personal estate, &c



The monies contributed towards the said sum of 3,500,000l. to be deemed a capital and joint stock transferrable.

**LXVI.** And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed by virtue of this act, towards the said sum of three millions five hundred thousand pounds, shall be deemed one capital and joint stock; and that all persons and corporations whatsoever, in proportion to the monies by them severally advanced for the purchase of the said annuities, or to which they shall become intitled by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the said annuities attending the same, after the rate aforesaid; and that the said whole capital or joint stock of three millions five hundred thousand pounds, or any share or interest therein, shall be assignable and transferrable as this act directs, and not otherwise.

**Clause of re-  
demption.**

LXVII. Provided also, and it is hereby enacted by the authority afore said, That at any time upon six months notice to be printed in the *London Gazette*, and fixed upon the *Royal Exchange* in *London*; and upon repayment by parliament, of the said sum of three millions five hundred thousand pounds, or any part thereof, by payments not less than five hundred thousand pounds, at one time, in such manner as shall be directed by any future act or acts of parliament in that behalf, and also upon full payment of all arrearages of the said annuities; then, and not till then, such and so much of the said annuities as shall be attending on the principal sums so paid off, shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London* as afore said, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

**Transfer  
books to be  
kept by the  
accountant-  
general.**

LXVIII. And be it further enacted by the authority aforesaid, That books shall be constantly kept by the said accountant-general for the time being, wherein all assignments or transfers of all sums advanced or contributed towards the said sum of two millions eight hundred thousand pounds, and of all sums determined and ascertained by the drawing of the said lotteries, shall at all seasonable times be entered and registred: which entry shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfer; or, if such parties be absent, by their respective attorney or attorneys thereunto lawfully authorized in writing, under his or their hand and seal, or hands and seals, to be attested by two or more credible witnesses; and that the several persons to whom such transfers shall be made, shall respectively underwrite their acceptance thereof; and that no other method of assigning and transferring the said annuities, or any part thereof, or any interest therein, shall be good or available in law.

**Method of transferring stock.**

**Annuities de-  
viseable by  
will.**

**XLIX.** Provided always, That all persons possessed of any share or interest in the said stock of annuities, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made

made upon any such devise, till so much of the said will as relates to such share, estate, or interest in the said stock of annuities, be entered in the said office; and that in default of such transfer or devise, such share, estate, or interest in the said stock of annuities, shall go to the executors, administrators, successors, and assigns; and that no stamp duties whatsoever shall be charged on any of the said transfers. any law or statute to the contrary notwithstanding.

Entry to be made of such clause in the will. Transfer not liable to stamp duties.

LXX. Provided always, and be it enacted by the authority aforesaid, That out of the monies arising from the contributions towards raising the said sum of three millions five hundred thousand pounds, any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall have power to discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable, and also to settle and appoint such allowances as shall be thought proper for the service, pains, and labour, of the said cashier or cashiers for receiving, paying, and accounting for, the said contributions, and also shall have power to make out of the fund by this act established, or out of the sinking fund, such further allowances as shall be judged reasonable, for the service, pains, and labour of the said cashier or cashiers, for receiving, paying, and accounting for the said annuities payable by virtue of this act, and also for the service, pains, and labour of the said accountant general for performing the trust reposed in him by this act; all which allowances to be made as aforesaid in respect to the service, pains, and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

Power to make allowance to the cashier, and accountant general.

To be at the disposal of the governor and company of the bank.

LXXI. Provided always, and be it further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, notwithstanding the redemption of all or any of their own funds in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, till all the annuities by this act granted shall be redeemed by parliament as aforesaid, and that the said governor and company of the bank of England or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

Bank to continue a corporation till the annuities be redeemed, &c.

LXXII. And be it further enacted, That no fee, reward, or gratuity whatsoever, shall be demanded or taken of any of His Majesty's subjects, for receiving or paying the said contributions, monies, or any of them, or for any ticket or receipt concerning the same, or for issuing the monies for paying the said annuities, or any of them, or for any transfer of any sum of money to be made in pursuance of this act, upon pain that any offender, or person offending, by taking or demanding any such fee, reward, or gratuity, shall forfeit the sum of twenty pounds, to the party aggrieved, with null costs of suit, to be recovered by

No fee to be taken for receiving or paying the contributions, annuities, &c.

On penalty of 20

action of debt, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

**LXXXIII.** And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of, or by virtue of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence, in his or their defence or defences; and if afterwards, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgment shall be given against him, her, or them, upon demurrer or otherwise; then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.

Treble costs.

### CAP. XIII.

*An act for more effectually securing the payment of the duties upon malt, by preventing frauds in the obtaining of allowances, and the mixing of fresh corn or grain with corn or grain making into malt.*

Preamble, reciting clause in act 33 Geo. II.

**WHEREAS** by a clause in an act of parliament made in the thirty-third year of his late Majesty's reign, intitled, An act for granting to his Majesty several duties upon malt, and for raising the sum of eight millions by way of annuities and a lottery, to be charged on the said duties; and to prevent the fraudulent obtaining of allowances in the gauging of corn making into malt; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed; it was enacted, That if, from and after the eighth day of February, one thousand seven hundred and sixty, any maulster or maker of malt, during the continuance of the duties on malt, should not wet or steep his barley, or other corn or grain intended to be made into malt, in the cistern, uting-fat, or other vessel, so as that the same should be covered with water, and continue so covered in such cistern, uting-fat, or other vessel, for the full space of forty hours from the time of its being first wet and covered with water as aforesaid, before he should obtain or take, or draw the water from the same, such maulster or maker of malt should in such case not be intitled to the allowance of four bushels in every twenty, in charging the said duties by gauge either in the cistern or couch: and whereas there is not any provision made by the said act for enabling the officers of excise to ascertain when such corn or grain is first begun to be so wetted or steeped, and consequently, whether such maulster or maker of malt is intitled to such allowance as aforesaid; and by reason of such defect, the whole purpose of the said clause has been entirely defeated; and whereas great frauds have been committed by the mixing of fresh corn or grain with corn

for grain sleeping in order to be made into malt, whereby the revenue and the fair trader have been greatly injured. Be it therefore enacted

by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of

June, one thousand seven hundred and sixty three, during the continuance of any of the duties on malt, every malster or maker of malt for home consumption, (not being a compounder for the duties on malt) whose malt-house or malt-houses is or are situate in any city, or the suburbs thereof, or in any market-town, shall, at least twenty four hours before he or she shall begin to wet any corn or grain to be made into malt, give, or cause to be given, to the officer of excise under whose survey such malster or maker of malt shall then be, a notice in writing of the particular hour or time of the day when he or she intends to wet corn or grain to be made into malt, and every other malster or maker of malt for home consumption (not being a compounder for the duties on malt) whose malt house or malt-houses is or are not situate in any city, or the suburbs thereof, or in any market-town, shall, at least twenty four hours before he or she shall begin to wet any corn or grain to be made into malt, give or cause to be given a like notice in writing, and in case any such malster or maker of malt shall not begin to wet his corn or grain, and immediately proceed to cover the whole thereof with water at the time or time mentioned in such respective notice, or within three hours next after the expiration of the said hour and time, then, every such notice shall be and is hereby declared

to be null and void, and every such malster or maker of malt shall be obliged to give a fresh and like notice, before he or she shall begin to wet his or her corn or grain, and that no such malster or maker of malt shall begin to wet any corn or grain to be made into malt, but between the hours of four in the morning and nine in the evening, and in case any such malster or maker of malt shall neglect or refuse to give such notice, or, having given notice which shall become void, shall neglect or refuse to give a fresh and like notice, or, having given such notice or notices, and begin to wet any corn or grain in pursuance thereof, shall neglect or refuse immediately to proceed to cover the whole thereof with water, and to continue the same to be covered for the full space of forty hours from the time of its being first wet and covered, or shall begin to wet any corn or grain at any other time than between the hours of four in the morning and nine in the evening, or if any such malster or maker of malt, after the officer hath taken a quart of the corn or grain sleeping in the cistern, upon flat, or other wetting place or utensil, shall add any fresh corn or grain to the corn or grain so sleeping, every such malster or maker of malt offend in any of the said cases, shall, for every such offence respectively, forfeit and lose the sum of one hundred pounds.

II And be it further enacted by the said most excellent Majesty, That

Makers of malt for home consumption, not being compounders, are to give due notice to the proper officer of excise, before they wet any corn or grain for malt,

and if they do not keep to or near the time mentioned, they are to give fresh notice.

Nois of setting to work

100 l penalty of omitting their duty in the premises, or being guilty of any offence in relation to the same.

Recovery, mitigation, and application of penalties.

the penalties or forfeitures for any offence against this act, shall and may be sued for, levied and recovered, or mitigated, by the same ways, means, and methods, as any penalty or forfeiture given by any of the laws of excise upon beer, ale, and other liquors, can or may be sued for, levied, recovered, or mitigated, or by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, and that one moiety of such penalties or forfeitures shall be to the use of his Majesty, his heirs, and successors, and the other moiety to him or them that shall discover, inform, or sue for the same.

## CAP. XIV.

*An act for the encouragement of John Harrison, to publish and make known his invention of a machine or watch, for the discovery of the longitude at sea*

Preamble, reciting clauses in act 12 Anne,

WHEREAS by an act made in the twelfth year of the reign of her late most noble Queen Anne, intituled, An act for providing a public reward for such person or persons as shall discover the longitude at sea, it is enacted, That in case the commissioners thereby appointed shall be so far satisfied of the probability of any such discovery, as to think it proper to make experiment thereof, and shall certify the same to the commissioners of the navy, with the names of the persons making proposals for that purpose, then any sum or sums of money, not exceeding two thousand pounds, shall be paid by the treasurer of the navy to such person or persons as shall be appointed by the commissioners of the longitude, to make the experiment. And it is thereby further enacted, That the said commissioners or discoverers of any method for finding the longitude, shall be rewarded ten shillings for every degree, if it determines the longitude to one degree of a great circle, or sixty nautical miles, fifteen shillings for every two degrees of the distance, and twenty shillings for every half of the same distance, to be paid by the treasurer of the navy, by the appointment of the said commissioners, when a ship shall go to any such part of the West Indies as they should appoint, and losing the longitude beyond the limits before mentioned. And it is thereby further enacted, That if any proposal shall, in the judgment of the said commissioners, be found of considerable use to the public, the author thereof, should have such less reward as the said commissioners should think reasonable. And whereas by an act made in the twenty-fourth year of the reign of his late majesty King George the Second, to render more effectual the act herein before recited, and regard to making experiments of proposals for discovering the longitude, reciting the foresaid act, and that John Harrison had made proposals for that purpose in the same act mentioned, with which the commissioners of longitude were so far satisfied, that they had thought it proper to make experiments thereof, and had certified the same from time to time to the commissioners of the navy, together with the name of the said John Harrison, and that the treasurer of the navy had thereupon paid him the said two hundred and fifty pounds to the said John Harrison,

Harrison, as part of the two thousand pounds mentioned in the above-  
said act of the twelfth of Queen Anne; and also reciting, That five  
hundred pounds had likewise been paid to Master William Whiston,  
for the like purposes; so that only two hundred and fifty pounds re-  
mained out of the said sum of two thousand pounds; and further  
reciting, That by continuing to encourage ingenious persons to make  
further improvements and experiments in order to discover the longi-  
tude, such discovery might at length be produced, as might effectually  
answer said end; it is enacted, That two thousand pounds more might  
be issued and paid by the treasurer of the navy for the making further  
experiments under the like directions as aforesaid: And whereas by  
an act made in the second year of his present Majesty's reign for 2 Geo. 3.  
rendering more effectual the above-mentioned act of the twelfth year  
of Queen Anne, with regard to making experiments of proposals  
for discovering the longitude, reciting to the effect above recited; and  
that the money granted for making experiments, pursuant to both of the  
said acts, had been wholly expended, the further sum of two thou-  
sand pounds was granted by the said act of the second year of his present  
Majesty, for the like purposes, and to be applied in the like manner:  
And whereas the utility of the invention of the said John Harrison  
has been proved in a late voyage to Jamaica, under the directions of  
the commissioners of the longitude: And whereas the said commissioners  
at their meeting on the seventeenth day of August last did adjudge,  
that by the trial made of the said instrument, it was found of consi-  
derable use to the publick, and did thereupon make an order for the  
payment of the sum of two thousand five hundred pounds to the said  
John Harrison, in manner therein mentioned; videlicet, one thou-  
sand five hundred pounds, part thereof, immediately, and the re-  
maining one thousand pounds when he, or any person employed by him,  
should return from making a further trial in the West Indies; but  
it is to be understood, that the said sum of two thousand five hun-  
dred pounds should be esteemed as part of either of the rewards grant-  
ed by act of parliament for discovering the longitude: And whereas  
the said John Harrison has accordingly received the said sum of one  
thousand five hundred pounds; and has represented to the commissioners  
of the longitude, That he would not by any means decline any further  
trial of the instrument or watch which he has invented, before the  
principles thereof shall be made publick; but that his present advanced  
age, the weakness of his sight, and the danger of the voyage to the  
health and life of his son, upon whom alone the success of the said  
invention will depend, may risk the loss of so useful a discovery, not  
only to the disadvantage of the said John Harrison, but also to the  
very great detriment of mankind: And whereas, the commissioners of  
longitude having received the said representation, did, at their meet-  
ing on the twenty-sixth day of February last, unanimously agree to re-  
commend to the said John Harrison to make an application to parlia-  
ment, in order that his said invention may be made known to the  
publick, upon such terms and in such manner as to the parliament shall  
appear meet: Therefore be it enacted by the King's most excellent  
majesty, by and with the advice and consent of the lords spi-  
ritual and temporal, and commons, in this present parliament  
assembled,

Upon a discovery by J. Harrison of the principles of his watch, and of the method of constructing the same, to the committee here mentioned,

and their publishing the same,

and certifying such discovery to the commissioners of the navy, the commissioners are to make out bills for 5,000 l. payable to him by the treasurer of the navy.

So soon as the said instrument shall by future trials appear to be a proper method for finding out the longitude, within the limits prescribed act 12 Anne, and the commissioners of the longitude shall certify the same; bills are to be made out

and paid for the same by the treasury

assembled, and by the authority of the same, That so soon as the said *John Harrison*, his executors or administrators, shall make or cause to be made a full and clear discovery of the principles of his said instrument or watch for discovery of the longitude, and of the true manner and method in which the same is and may be constructed, unto the right honourable lord *Charles Cavendish*, the right honourable the earl of *Morton*, the right honourable lord *Willoughby of Parham*, *George Lewis Scott* esquire, fellow of the royal society, ~~Master~~ *James Short* fellow of the royal society, the reverend Master *John Mitchell Woodwardian* professor at *Cambridge*, Master *Alexander Cumming*, Master *Mudge of Fleet Street*, Master *William Frodsham*, Master *Andrew Dickie*, and Master *James Green of Fenchurch Street*, who, as well as the said *John Harrison*, are hereby required to publish and make the same known, so that other workmen may be enabled to make other such instruments or watches for the same purpose; and so soon as the said lord *Charles Cavendish*, the earl of *Morton*, lord *Willoughby of Parham*, *George Lewis Scott*, *James Short*, *John Mitchell*, *Alexander Cumming*, Master *Mudge*, *William Frodsham*, *Andrew Dickie*, and *James Green*, or the major part of them, shall certify in writing under their hands and seals, to the commissioners of his Majesty's navy for the time being, that the said *John Harrison* hath fully and clearly made the said discovery for the purposes aforesaid, then, upon producing such certificate, the said commissioners of the navy are hereby authorized and required to make out a bill or bills for the sum of five thousand pounds payable to the said *John Harrison*, his executors or administrators, by the treasurer of the navy; which sum the treasurer of the navy for the time being, is hereby required to pay immediately to him the said *John Harrison*, his executors or administrators, out of any money that shall be in his the said treasurer's hands unapplied for the use of the navy.

II. And be it enacted by the authority aforesaid, That so soon as it shall appear by future trial or trials, that the said instrument or watch invented by the said *John Harrison*, shall be a proper method for finding out the longitude within any of the limits prescribed by the aforesaid act of the twelfth year of Queen *Anne*, and the said commissioners of longitude, or the major part of them, shall certify the same accordingly, under their hands and seals to the commissioners of the navy for the time being, then the said commissioners are hereby authorized and required to make out a bill or bills for the respective sum or sums of money to which the said *John Harrison*, his executors, administrators, or assigns, shall be intitled by virtue of the same act; which sum or sums the treasurer of the navy is hereby required to pay to the said *John Harrison*, his executors, administrators, or assigns, out of any money which shall be in his hands unapplied to the use of the navy; first deducting thereout the before mentioned sum of fifteen hundred pounds already received by the said *John Harrison*, and the said sum of five thousand

thousand pounds granted to him by this present act as aforesaid.

III. And be it further enacted by the authority aforesaid, That no person or persons, other than the said *John Harrison*, his executors, administrators, or assigns, shall have or be intitled to any of the reward granted by the said act of the twelfth of *Queen Anne*, by means or on account of any instrument or instruments for keeping time, until the merits of the said instrument or watch invented by the said *John Harrison*, shall be ascertained; provided that the ascertainment thereof shall be made within four years next after the passing of this act.

CAP. XV.

*An act to prevent occasional freemen from voting at elections of members to serve in parliament for cities and boroughs.*

WHEREAS great abuses have been committed in making freemen of corporations, in order to influence elections of members to serve in parliament, to the great infringement of the rights of freemen of such corporations, and of the freedom of elections: To prevent such practices for the future; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That from and after the first day of *May*, one thousand seven hundred and sixty-three, no person whatsoever claiming as a freeman to vote at any election of members to serve in parliament for any city, town, port, or borough in *England*, *Wales*, and the town of *Berwick upon Tweed*, where such voter's right of voting is as a freeman only, shall be admitted to give his vote at such election, unless such person shall have been admitted to the freedom of such city, town, port, or borough, twelve calendar months before the first day of such election: And if any person shall presume to give his vote as a freeman at any election of members to serve in parliament, contrary to the true intent and meaning of this act, he shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same; and the vote given by such person shall be void and of no effect.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to any person intitled to his freedom by birth, marriage, or servitude, according to the custom or usage of such city, town, port, or borough.

III. And be it further enacted by the authority aforesaid, That if any mayor, bailiff, sheriff, town clerk, or other officer of any corporation, or other person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any admission of any freeman, such mayor, bailiff, sheriff, town clerk, or other officer, shall be liable to the same penalty as is provided by the said act of the twelfth of *Queen Anne*, for any person who shall wilfully and fraudulently antedate, or cause to be antedated, any instrument or instruments for keeping time, until the merits of the said instrument or watch invented by the said *John Harrison*, shall be ascertained.



officer, or other person, shall, for every such offence, forfeit and pay the sum of five hundred pounds to him, her, or them, who shall inform and sue for the same.

The books and papers of admission of freemen to be open to inspection, upon demand of a candidate, his agent, or 2 freemen, upon payment of 1s. and copies and minutes of the admissions to be given, paying reasonably for writing the same; and the books, &c. to be produced, if demanded, at every election,

on penalty of 100 l.

The penalties may be recovered, with full costs of suit;

provided the prosecution be commenced within a year.

This act to be openly read by the returning officer, at all elections by freemen, immediately after the act 2 Geo. 2.

IV. And be it further enacted by the authority aforesaid, That the mayor, bailiff, sheriff, town clerk, or other officer of any corporation, having the custody of, or power over, the records of the same, shall, upon the demand of any candidate, or his agent, or any two freemen, on the payment of one shilling, permit such candidate, agent, or freemen, between the hours of nine in the morning and three in the afternoon, at any time before, and within one month after, any such election as aforesaid to inspect the books and papers, wherein the admission of freemen shall be entered; and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freemen, shall think fit, upon paying to such mayor, bailiff, sheriff, town clerk, or other officer, a reasonable charge for writing the same; and such books and papers shall, if demanded by such candidate, agent, or freemen, be produced by such mayor, bailiff, sheriff, town clerk, or other officer at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat: And if such mayor, bailiff, sheriff, town clerk, or other officer, shall refuse or deny such candidate, agent, or freemen, the inspection of such books and papers, or to have copies or minutes thereof, or shall refuse or neglect to produce such books and papers at any election, if demanded and paid for in the manner herein before set forth, such mayor, bailiff, sheriff, town clerk, or other officer, shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same.

V. And be it further enacted by the authority aforesaid, That all forfeitures or penalties laid or imposed by this act, shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

VI. Provided always, and it is hereby further enacted and declared by the authority aforesaid, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred.

VII. And be it further enacted by the authority aforesaid, That the returning officer shall read, or cause to be read, openly, this act, at the time of election of members to serve in parliament for cities, towns, ports, or boroughs, where the right of election is in the whole, or in part, in freemen as aforesaid, immediately after the reading of the act passed in the second year of his late Majesty's reign, intituled, *An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament.*

VIII. And

VIII. And be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to the cities of London or Norwich.

This act not to extend to London or Norwich.

### CAP. XVI.

*An act to empower the commissioners or governors of the royal hospital for seamen at Greenwich, after defraying the necessary expences thereof, to provide for such seamen worn out and become decrepit in the service of their country, who shall not be provided for within the said hospital; and to enable them to receive such pensions as shall be granted them by the said commissioners or governors, in the most easy and convenient manner; and for preventing frauds and abuses attending the same.*

**W**HEREAS by several acts of parliament, sundry estates, rents, and sums of money are granted, and specially appropriated, for and towards the finishing and completing the building of the royal hospital for seamen at Greenwich; and for and towards the maintenance of the men in the said hospital worn out and become decrepit in the service of their country: And whereas no part of the said estates, rents, and sums of money, can be applied by the commissioners or governors of the said hospital, for or towards the relief of any worn out and decrepit seamen, who are not provided for within the said hospital: And whereas the revenues of the said hospital will probably be sufficient to provide for a considerable number of poor seamen, as out-pensioners, it would tend to the increase and encouragement of seamen, if the said commissioners or governors were enabled, after defraying the necessary expences of the said hospital, to provide for such seamen as are worn out and become decrepit in the service of their country, who shall not be provided for within the said hospital: Therefore, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners or governors of the royal hospital for seamen at Greenwich, and they are hereby authorized and empowered, after defraying the necessary expences of the said hospital, by and out of the estates, rents, revenues, or other monies belonging to the said hospital, to provide for such seamen worn out and become decrepit in the service of their country, who shall not be provided for within the said hospital; any thing in the said acts to the contrary notwithstanding.

The commissioners; after defraying the expences of the hospital, are empowered to grant out-pensions to such worn-out and decrepit seamen in the King's service, as are provided for within the hospital.

II. And be it further enacted by the authority aforesaid, That all assignments, bargains, sales, orders, contracts, agreements, or securities whatsoever, which shall be given or made by any out-pensioner, for, upon, or in respect of, any sum or sums of money, to become due on any out-pension granted by the commissioners or governors of the said hospital, shall be absolutely null and void to all intents and purposes.

Assignments, &c. of pay, made by out-pensioners, void.

III. And, the more effectually to enable such seamen to receive

ceive

Treasurer of the hospital to make out duplicates of the out pensions, according to the annexed form.

ceive such out pensions as shall be granted to them by the said commissioners or governors, in the most easy and convenient manner, and for preventing frauds and abuses attending the same; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of the said hospital for the time being, and he is hereby authorized and required, as often as there shall be occasion, to make out, or cause to be made out, two bills for every such out pension granted by the said commissioners or governors; which bills shall be duplicates, and joined together with oblique lines, ~~flourishes~~, or devices, in such manner as the said treasurer shall think proper, and shall be made payable to such out pensioner by the receiver-general of the land tax, collector of the customs, collector of the excise, or clerk of the cheque respectively, according to the appointment in such bills; and the said bills being numbered and dated, shall be signed by the said treasurer, or his first clerk, and attested by the steward or clerk of the cheque of the said hospital, and be written or printed according to the following form:

## THE FORM.

A. N<sup>o</sup> I.

*Greenwich Hospital.*

S I R,

The form,

**P**AY to B. D. of

*in the county of*  
*out pensioner of Greenwich Hospital,*  
*upon producing the duplicate bill, together with a certificate under*  
*the hands of the minister and church-wardens, or, in that part of*  
*Great Britain called Scotland, under the hands of the minister and*  
*two elders of the parish where the said B. D. resides, that the said*  
*B. D. to the best of their knowledge and belief, is the person named*  
*in such bill, the sum of*  
*being*  
*on account of the out-pension of the said B. D. if the same shall be de-*  
*manded within six calendar months from the date hereof; otherwise*  
*you are to return this bill to the treasurer of the royal hospital at*  
*Greenwich, at the said hospital.*

To {  
The receiver-general  
of the land tax of  
the county of  
The collector of the  
customs at the port  
of  
The collector of the  
excise at  
The clerk of the  
cheque at

*Signed (A. B.) treasurer of the  
royal hospital at Green-*  
*wich, or his first clerk*

*Attested (C. D.) steward or clerk  
of the cheque of the royal  
hospital at Greenwich.*

*By virtue of the act of the third of King George the Third.*

N. B. The

N. B. *The personating or falsely assuming the name and character of any out-pensioner of Greenwich Hospital, in order to receive the out-pension due to such out-pensioner, or procuring any other to do the same, is made felony without benefit of clergy, by the third of King George the Third.*

And as soon as the said bills shall be so made out and signed, the said treasurer shall cause them to be cut asunder, indentwise, through the oblique lines, flourishes, or devices; and shall cause one of the said bills to be transmitted forthwith to the person nominated and specified in such bills, and the other of the said bills to be transmitted forthwith to the said receiver-general of the land tax, collector of the customs, collector of the excise, or clerk of the cheque, on whom such bill shall be so drawn as aforesaid: And the said receiver-general of the land tax, collector of the customs, collector of the excise, and clerk of the cheque, if the said duplicates of such bill shall be produced and delivered to either of them respectively within six calendar months from the date thereof, are hereby required and enjoined to examine such duplicate, together with the certificate to be produced as aforesaid; and to enquire into the truth thereof, by the oath of the person producing the same; which oath they are hereby respectively authorized and required to administer; and upon being duly satisfied of the truth of such certificate, to testify the same on the back of such bill; and shall immediately pay to such out-pensioner, without fee or reward on any pretence whatsoever, the sum contained in such bill, taking his receipt for the same on the back thereof; which bill so paid, upon being produced and delivered at the office of the treasurer of the navy, shall be immediately repaid by the said treasurer, to such receiver-general of the land tax, collector of the customs, collector of the excise, or clerk of the cheque, or to the order of any such receiver-general, collector of the customs, collector of the excise, or clerk of the cheque respectively: But in case the duplicate of such bill shall not be produced and delivered, and the payment thereof be demanded, within six calendar months from the date thereof, or if a proper certificate of the person claiming such out-pension be not likewise produced, then the said receiver-general, collector of the customs, collector of the excise, or clerk of the cheque, shall return such bill to the treasurer of the said hospital at Greenwich, at the said hospital, who shall cause such bill to be cancelled; and from and after the cancelling the same, such part of the said pension shall accrue and become payable, in like manner, as if the said bill had not been made out.

III. Provided always, and it is hereby further enacted by the authority aforesaid, That if any such receiver-general, collector of the customs, collector of the excise, or clerk of the cheque, to whom the duplicate of any of the bills herein before directed to be made out, shall be tendered for payment, shall not then have in his hands publick money sufficient to answer the

Bills to be cut asunder;  
One to be transmitted to the person nominated in the bills, and the other to the person on whom the same is drawn. Duplicate and certificate to be examined when produced; and to be verified on oath,

and testified on the back thereof, and payment to be then made thereof; which is to be repaid by the treasurer of the navy.

If the duplicate and certificate be not produced, and payment demanded within 6 months, the bill to be returned to the treasurer of the navy, and cancelled.

If there shall be a want of money when any such bill shall be ten-

dered for payment,

the day of its being tendered, and the cause of non-payment, to be indorsed thereon; and a day to be fixed for the payment.

If payment shall have been unnecessarily refused or delayed,

or any fee, &c. taken on account of payment, offender may be fined in any sum not exceeding 50 l.

to be paid to the informer.

Bills paid by the treasurer of the navy to be allowed in his accounts.

Penalty of personating and falsely assuming the name of any out-pensioner, in order to receive the pension, or procuring any other to do the same,

same, and shall refuse or delay the immediate payment thereof, such receiver-general, collector of the customs, collector of the excise, or clerk of the cheque, shall immediately indorse on the back of the said duplicate, the day of its being so tendered to him, and the cause of his refusal or delay to pay the same; and shall appoint thereon, for the payment of such bill, some future day, within the space of two months at the farthest from the day of its having been first tendered to him, as aforesaid; which duplicate with the indorsement thereon shall immediately be delivered back to the person presenting the same: And if, upon complaint to be made to the respective commissioners appointed by his Majesty, his heirs, or successors, to manage the said several duties of the land tax, customs, or excise, or to the commissioners of the navy, if the person complained of be a clerk of the cheque, it shall appear that such receiver-general, collector of the customs, collector of the excise, or clerk of the cheque, hath unnecessarily and wilfully refused or delayed the payment of such bill; or that such receiver-general, collector of the customs, collector of the excise, or clerk of the cheque, or any person employed by or under any of them, hath directly or indirectly received or taken any fee, reward, gratuity, discount, or deduction whatsoever, on account of the payment of the said bill; it shall and may be lawful to and for any three or more of the said commissioners to convict and fine any such offender under their respective direction, in any sum not exceeding fifty pounds, according to the nature and degree of the offence; which conviction shall be made by such respective commissioners, and such fine shall be levied and recovered, in such and the same manner, to all intents and purposes, as any conviction may be made, and any penalty may be levied or recovered, for any offence against any law by which any custom or excise is imposed or laid; and the said fine, when recovered, shall be paid to the informer or informers against such offender or offenders.

IV. And be it further enacted, by the authority aforesaid, That all the bills so paid by the said treasurer of the navy, shall be allowed as so much cash, paid in ready money, in the accounts of the said treasurer of the navy, with the said treasurer of the said hospital at Greenwich; and the said treasurer of the said hospital is hereby required and directed to allow the same accordingly; any thing to the contrary thereof in any wise notwithstanding.

V. And whereas divers wicked practices may be carried on by persons knowingly and willingly personating and falsely assuming the name and character of any out-pensioner of the said hospital, in order to receive the money due to any such out-pensioner, on account of his out-pension, be it further enacted by the authority aforesaid, That from and after the passing of this act, whosoever willingly and knowingly shall personate or falsely assume the name or character of, or procure any other to personate or falsely to assume the name or character of, any person

person intitled, or supposed to be intitled, as an out-pensioner, to any out-pension or allowance of money from the commissioners or governors of the said hospital, in order to receive the money due, or supposed to be due, on such out-pension; every such person so offending, and being lawfully convicted of any such offence or offences, (shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

## CAP. XVII.

*An act for raising a certain sum of money by loans or exchequer bills for the service of the year one thousand seven hundred and sixty-three; and for further appropriating the supplies granted in this session of parliament; and for allowing his Majesty's subjects to import their goods and effects, being the produce of certain places ceded to France and Spain by the late treaty of peace, upon payment of the same duties as they would have been liable to, if such places had remained in his Majesty's possession.*

Most gracious Sovereign,

**WE** your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, for raising the residue of the necessary supplies, which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the sum herein after mentioned, and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now, or for the time being, or any three or more of them, or the high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and sixty-four, to cause or direct any loans to be taken or received at his Majesty's exchequer from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any sum or sums of money, not exceeding, in loans and exchequer bills together, in the whole, the sum of one million and eight hundred thousand pounds; in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, munn, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three*, are enacted and prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the said act.

is felony.  
without bene-  
fit of clergy.

Treasury im-  
power to  
in loans,  
due ex-  
chequer bills,  
for any sum  
not exceeding  
1,800,000l.

in like man-  
ner as is pre-  
scribed by the  
malt act of  
this session,  
concerning  
loans or ex-  
chequer bills

thereby to be taken or made.

Clauses, &c.  
in the said act  
relating to  
loans or ex-  
chequer bills,

extended to  
this act.

Exchequer  
bills so issued,  
not to be ten-  
dered or re-  
ceived in pay-  
ment of any  
of the public  
taxes, before  
6 April, 1764;

unless the  
same shall be  
in course of  
payment be-  
fore the said  
day.

The same to  
be repaid out  
of the first  
supplies which  
shall be grant-  
ed in the next  
session ;

II. And be it further enacted by the authority aforesaid, That all and every the clauses provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said last mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act, and also except as is herein after mentioned) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this act.

III. Provided always, and be it further enacted by the authority aforesaid, That no exchequer bill or bills to be made out by virtue of this act, shall, after the same hath or have been issued at the exchequer, be afterwards at any time before the sixth day of *April*, one thousand seven hundred and sixty-four, received or taken, or pass or be current to any receiver or collector in *Great Britain*, of the customs, excise, or any revenue, supply, aid, or tax whatsoever due or payable to his Majesty, his heirs or successors, or at the receipt of the exchequer, from any such receiver or collector, or from any other person or persons, bodies politick or corporate, otherwise or on any other account than for the discharge and canceling of such bills, in case the same shall be in due course or order of payment before the said sixth day of *April*; nor shall any such receiver or collector exchange, at any time before the said sixth day of *April*, for any money of such revenues, aids, taxes, or supplies, in his hands, any exchequer bill or bills, which shall have been issued as aforesaid, by virtue of this act; nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such bill or bills for ready money, before the said sixth day of *April*; any thing in this said act made in this present session of parliament, int<sup>d</sup>ended, *in an act for continuing and granting to his Majesty certain duties upon malt, rum, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three*, or this act, contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate, and charges, incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of *July*, one thousand seven hundred and sixty-four, then all the said loans or exchequer bills, with the interest, premium, rate, and charges, incident to

or

attending the same, shall be, and are hereby charged and chargeable upon such monies as, at any time or times at or after the said fifth day of July, shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund* (except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging, such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer,

or out of the sinking fund, if no supplies be granted before 5 July, 1764.

V. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surplusses, excesses, overplus monies, or other revenues composing the sinking fund, shall, from time to time, be repaid by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Monies issued for that purpose out of the sinking fund, to be replaced out of the first supplies after.

VI. And be it declared and further enacted by the authority aforesaid, That it shall and may be lawful for the governor and company of the bank of England, to advance or lend to his Majesty in like manner at the receipt of the exchequer, upon the credit of loan granted by this act, any sum or sums of money not exceeding in the whole the sum of one million and eight hundred thousand pounds; any thing in an act made in the fifth and sixth years of the reign of King William and Queen Mary, intituled, *An act for granting to their Majesties several rates and duties upon tonnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds, towards carrying on the war against France, to the contrary thereof in any wise notwithstanding.*

The bank empowered to advance, on the said credit of loan, any sum or sums, not exceeding 1,800,000l.

the act 5 & 6 W. & M. notwithstanding.

VII. Provided always, and be it hereby enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three*, and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act

The monies arising by the malt act;



## Land tax.

annuity and  
lottery act ;

with the sum  
of 2,000,000*l.*  
charged on  
the sinking  
fund ;

and also the  
sum of  
47,120*l.* 9*s.* 6*d.*  
surplus re-  
maining in  
the exche-  
quer, of the  
duties on  
beer and ale ;  
also the sur-  
plus unap-  
plied of the  
sum of  
20,000*l.*  
granted in  
the last session,  
for pay and  
cloathing of  
the unembo-  
died militia ;  
and the fur-  
ther sum of  
1,800,000*l.*  
granted by  
this act, are  
appropriated  
as follows ;  
videlicet,  
2,040,661*l.*  
3*s.* 11*d.*  
thereof to-  
wards naval  
services in  
general.

of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty-three ; and for much money, if any such be, of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges allowable thereby for raising the said land tax, should be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same ; and also all the monies coming into the exchequer by contributions for annuities, and two lotteries, granted by one other act of this session of parliament, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cider and perry ; and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries, to be charged on the said duties ; and also the sum of two millions out of such monies as shall or may arise of the surplusses, excesses, or overplus monies, and other revenues composing the fund, commonly called The Sinking Fund, directed to be issued and applied by one other act of this session of parliament, intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty-three ; and also the sum of forty seven thousand one hundred and twenty pounds, nine shillings, and six pence, remaining in the receipt of the exchequer, being the surplus of the several duties upon beer and ale, granted by an act made in the first year of his Majesty's reign, after satisfying all charges and incumbrances thereupon, to the fifth day of January, one thousand seven hundred and sixty-three ; and also such part of the sum of twenty thousand pounds granted to his Majesty in the last session of parliament upon account, towards defraying the charge of the pay of the militia of that part of Great Britain called England, when unembodied, and of the cloathing of the part of the said militia then unembodied, for one year, beginning the twenty-fifth day of March, one thousand seven hundred and sixty-two, as shall remain in the receipt of the exchequer, after the said charges are satisfied by the said last mentioned act made in this session of parliament, directed to be issued and applied ; and the further sum of one million and eight hundred thousand pounds by this act granted, shall be further appropriated, and are hereby appropriated, for and towards the several uses and purposes herein after expressed : that is to say, it is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding two millions forty thousand six hundred and sixty-one pounds, three shillings, and eleven pence, for or towards the naval services herein after particularly expressed ; that is to say, for or towards victuals, wages, wear and tear of the navy, and the victualing thereof, performed*

informed and to be performed; and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers; and for or towards maintaining four thousand two hundred and eighty-seven marines; and for or towards the buildings, rebuildings, and repairs, of his Majesty's ships, for the year one thousand seven hundred and sixty-three.

VIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three thousand pounds, for completing the works of the hospital for sick and wounded seamen building near Plymouth. 3,000l. for completing the hospital near Plymouth.

IX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ten thousand pounds, upon account, to be applied by the commissioners or governors of the royal hospital for seamen at Greenwich, for the support and relief of seamen worn out and become decrepit in the service of their country, who shall not be provided for within the said hospital. 10,000l. upon account to the commissioners of Greenwich hospital for out-pensioners.

X. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two hundred four thousand three hundred and twenty-nine pounds, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and sixty-three. 204,329l. for charge of the office of ordnance for land service.

XI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding four millions seven hundred forty three thousand eight hundred and five pounds, thirteen shillings, and eleven pence farthing, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding four hundred eighty five thousand three hundred and seventeen pounds, two shillings, and ten pence, for defraying the charge of fifty-six thousand three hundred and sixty effective men, for guards and garrisons, and other his Majesty's land forces in Great Britain, Guernsey, and Jersey, including those in Germany, Portugal, and Belleisle, for one hundred and twenty-one days, from the twenty-fifth day of December, one thousand seven hundred and sixty-two, to the twenty-fourth day of April, one thousand seven hundred and sixty-three, both days inclusive, according to their present establishment, and for reducing their numbers; and any sum or sums not exceeding four hundred eight thousand three hundred and seventy-two pounds, thirteen shillings, and four pence, for defraying the charge of seventeen thousand five hundred and thirty-six effective men, commissioned and non-commissioned 4,743,805l. 13s. 11d. 10f. for pay, &c. of the land forces in general; whereof 485,117l. 18s. 10d. for charge of 56,360 effective men, from 25 Dec. 1762, to 24 Apr. 1763; 178,172l. 12s. 4d. for charge of 17,536 effective men, including invalids, for

guards and  
garrisons,  
from 25 Apr.  
1763, to 24  
Dec. follow-  
ing;

278,893l. 11s.  
for the forces  
and garrisons  
in the planta-  
tions, &c.  
from 25 Dec.  
1762, to 24  
Apr. 1763;

281,781l. 1s.  
6d. for forces  
and garrisons  
in the planta-  
tions, &c.  
from 25 Apr.  
1763, to 24  
Dec. follow-  
ing;

36,438l. 7s.  
for the two  
regiments of  
horse serving  
in Germany,  
and four re-  
giments of  
foot on the  
Irish establish-  
ment, serving  
in North  
America,  
from 25 Dec.  
1762, to 24  
Apr. 1763;  
31,291l. 8s.  
6d. 2q. for  
pay of the  
general and  
general staff  
officers;  
150,000l.  
for pay and  
clothing of  
the militia;  
33,351l. 17s.  
6d. to the  
reduced of-  
ficers of the  
land forces  
and marines;

commissioned officers included, and including two thousand seven hundred and forty-three invalids, for guards, gar-  
risons, and other his Majesty's land forces in *Great Britain*,  
*Guernsey*, and *Jersey*, from the twenty-fifth day of *April*, one  
thousand seven hundred and sixty-three, to the twenty-fourth  
day of *December* following, both days inclusive, being two  
hundred and forty-four days; any sum or sums of money not  
exceeding two hundred seventy-eight thousand eight hundred  
and ninety-three pounds, and eleven shillings, for maintaining  
his Majesty's forces and garrisons in the plantations, *Gibraltar*,  
*Guadeloupe*, *Africa*, *Martinico*, and the *Havannah*, and for pro-  
visions for the garrisons in *Nova Scotia*, *Newfoundland*, *Gibraltar*,  
*Providence*, *Quebec*, *Guadeloupe*, *Senegal*, and *Goree*, for one  
hundred and twenty-one days, from the twenty-fifth day of  
*December*, one thousand seven hundred and sixty-two, to the  
twenty-fourth day of *April*, one thousand seven hundred and sixty-  
three, both days inclusive, according to their present establish-  
ment, and for reducing their numbers; and any sum or sums of  
money not exceeding two hundred eighty one thousand seven  
hundred eighty one pounds, three shillings, and six pence, for  
maintaining his Majesty's forces and garrisons in the planta-  
tions, including those in garrison at *Minorca* and *Gibraltar*, and  
for provisions for the garrisons in *Nova Scotia*, *Newfoundland*,  
*Gibraltar*, *Quebec*, and *Senegal*, for two hundred and forty-four  
days, from the twenty-fifth day of *April*, one thousand seven  
hundred and sixty-three, to the twenty-fourth day of *December*  
following, both days inclusive; and any sum or sums of money,  
not exceeding sixteen thousand four hundred thirty-eight  
pounds, and seven shillings, for defraying the charge of two  
regiments of horse serving in *Germany*, and four regiments of  
foot serving in *North America* on the *Irish* establishment, for one  
hundred and twenty-one days, from the twenty-fifth day of  
*December*, one thousand seven hundred and sixty-two, to the  
twenty-fourth day of *April*, one thousand seven hundred and  
sixty-three, both days inclusive; and any sum or sums of mo-  
ney, not exceeding eleven thousand two hundred ninety-one  
pounds, eight shillings, and six pence halfpenny, for the pay of  
the general and general staff officers in *Great Britain*, for the year  
one thousand seven hundred and sixty-three; and any sum or  
sums of money, not exceeding one hundred and fifty thousand  
pounds, for defraying the charge of the pay and cloathing of  
the militia for one year, beginning the twenty-fifth day of  
*March*, one thousand seven hundred and sixty-three: and any  
sum or sums of money, not exceeding thirty-three thousand  
three hundred fifty-one pounds, seventeen shillings, and six  
pence, upon account of the reduced officers of his Majesty's  
land forces and marines, for the year one thousand seven hundred  
and sixty-three; and any sum or sums of money, not exceed-  
ing eighty-eight thousand seven hundred and four pounds, three  
shillings, and four pence, upon account of the reduced officers  
of his Majesty's land forces already disbanded, and such as are  
to

to be disbanded, for the year one thousand seven hundred and sixty-three; and any sum or sums of money, not exceeding two thousand nine hundred and ten pounds, one shilling, and eight pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and sixty-three; and any sum or sums of money, not exceeding one thousand seven hundred and forty-two pounds, for the paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half pay in *Great Britain*, and who were married to them before the twenty-fifth day of *December*, one thousand seven hundred and sixteen, for the year one thousand seven hundred and sixty-three; and any sum or sums of money, not exceeding fifty-one thousand seven hundred and eight pounds, thirteen shillings, and four pence, upon account, for out-pensioners of *Chelsea Hospital*, for the year one thousand seven hundred and sixty-three; and any sum or sums of money, not exceeding eighty-five thousand one hundred fifty-eight pounds, fourteen shillings, and eight-pence, and three seventh parts of a penny, for defraying the charge of two thousand one hundred twenty horse, and nine thousand nine hundred foot, together with the general and staff officers, the officers of the hospital, and officers and others belonging to the train of artillery, the troops of the landgrave of *Hesse Cassel*, in the pay of *Great Britain*, for ninety days, from the twenty-fifth day of *December*, one thousand seven hundred and sixty-two, to the twenty-fourth day of *March*, one thousand seven hundred and sixty-three, both days inclusive, together with the subsidies pursuant to treaties; and any sum or sums of money, not exceeding eighty-seven thousand six hundred and ninety pounds, eighteen shillings, and six pence, and four seventh parts of a penny, for defraying the charge of an additional corps of nine hundred and twenty horse, and six thousand and seventy-two foot, together with the general and staff officers, the officers of the hospital, and officers and others belonging to the train of artillery, the troops of the landgrave of *Hesse Cassel*, in the pay of *Great Britain*, for three hundred and twenty-eight days, from the first day of *January*, one thousand seven hundred and sixty-three, to the twenty-fourth day of *November*, following, both days inclusive, pursuant to treaty; and any sum or sums of money, not exceeding forty-five thousand four hundred and twenty pounds, sixteen shillings, and six pence, and three seventh parts of a penny, for defraying the charge of an augmentation to the troops of the landgrave of *Hesse Cassel* in the pay of *Great Britain*, consisting of six hundred and fifty-six horse, and two thousand seven hundred and thirty-six foot, for three hundred and thirty-five days, from the twenty-fifth day of *December*, one thousand seven hundred and sixty-two, to the twenty-fourth day of *November*, one thousand seven hundred and sixty-three, both

88,704l. 9s. 4d. to the reduced officers of the land forces, disbanded and to be disbanded;  
2,910l. 18s. 3d. to the officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and superannuated gentlemen of the four troops of horse guards;  
1,748l. for pensions to officers widows;  
51,708l. 13s. 4d. for out-pensioners of *Chelsea hospital*;  
85,158l. 14s. 8d. 3-7d. subsidy, and for troops of the landgrave of *Hesse Cassel*, pursuant to treaties;  
87,690l. 18s. 6d. 4-7d. for additional troops of *Hesse Cassel*;  
45,420l. 16s. 6d. 3-7d. for augmentation to the troops of *Hesse Cassel*, pursuant to treaty;

49,308l. 10s. 10d. for subsidy and troops of the duke of Brunswick, pursuant to treaty ;

4,381l. 8s. 5d. to make good the deficiency in the sum voted last session, for the pay of augmentation to the troops of Brunswick ; 50,000 to the landgrave of Hesse Cassel, pursuant to treaty ; 71,381l. 16s. 8d. for charge of troops in the East Indies ; 1,588,756l. 15s. 5d. for extraordinary expences of the land forces, &c. to 31 Oct. 1762, not provided for. 951,249l. 6d. for extraordinary expences of the land forces, &c. for the year 1763, not provided for.

1,000,000l. to discharge the like sum raised pursuant to an act of the last session, and charged on the first aids ;

1,500,000l. for paying off exchequer

both days inclusive, pursuant to treaty ; and any sum or sums of money not exceeding forty-nine thousand three hundred and eight pounds, one shilling and one penny, and three eleventh parts of a penny, for defraying the charge of one thousand four hundred and forty-four cavalry, and two thousand three hundred and thirty infantry, the troops of the reigning duke of Brunswick, in the pay of Great Britain, for eighty-six days, from the twenty-fifth day of December, one thousand seven hundred and sixty-two, to the twentieth day of March, one thousand seven hundred and sixty-three, both days inclusive, together with the subsidies for the said time, pursuant to treaties ; and any sum or sums of money, not exceeding four thousand three hundred twenty-eight pounds, eight shillings, and five pence, to make good a deficiency in the sum voted last session, for the pay of an augmentation to the troops of the reigning duke of Brunswick, for the year one thousand seven hundred and sixty-two ; and any sum or sums of money, not exceeding fifty thousand pounds, to enable his Majesty to complete the payment of two hundred and twenty thousand pounds, as a reasonable succour in money to the landgrave of Hesse Cassel, pursuant to treaty ; and any sum or sums of money, not exceeding seventy-one thousand three hundred eighty-one pounds, sixteen shillings, and eight pence, for defraying the charge of four regiments of foot serving in the East Indies, for three hundred and sixty-five days, from the twenty-fifth day of December, one thousand seven hundred and sixty-two, to the twenty-fourth day of December, one thousand seven hundred and sixty-three, both days inclusive ; and any sum or sums of money, not exceeding one million five hundred eighty-eight thousand seven hundred fifty-six pounds, fifteen shillings, and five pence, for defraying the extraordinary expences of his Majesty's land forces, and other services incurred from the twenty-fifth day of December, one thousand seven hundred and sixty-one, to the thirty-first day of October, one thousand seven hundred and sixty-two, both days inclusive, and not provided for by parliament ; and any sum or sums of money, not exceeding nine hundred fifty-one thousand two hundred forty-nine pounds, and six pence, for defraying the extraordinary expences of his Majesty's land forces, and other services, incurred from the first day of November, one thousand seven hundred and sixty-two, to the nineteenth day of February, one thousand seven hundred and sixty-three, and not provided for by parliament.

XII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million, to enable his Majesty to discharge the like sum raised in pursuance of an act made in the last session of parliament, and charged upon the first aids or supplies to be granted in this session of parliament.

XIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall

shall and may be issued and applied any sum or sums of money, not exceeding one million five hundred thousand pounds, to enable his Majesty to pay off and discharge the exchequer bills issued out by virtue of an act passed in the last session of parliament, intituled, *An act for enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy, and towards naval services, for the year one thousand seven hundred and sixty-two*, and charged upon the first aids or supplies to be granted in this session of parliament.

bills, made out by virtue of an act of the last session;

XIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aid or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding four thousand five hundred eighty-nine pounds, thirteen shillings, and eleven pence farthing, upon account, for defraying the charges incurred by supporting and maintaining the settlement of his Majesty's colony of *Nova Scotia*, in the year one thousand seven hundred and sixty, and not provided for by parliament; and any sum or sums of money, not exceeding five thousand six hundred seventy-four pounds, one shilling, and ten pence, upon account, for maintaining and supporting the civil establishment of his Majesty's said colony of *Nova Scotia*, for the year one thousand seven hundred and sixty-three; and any sum or sums of money, not exceeding four thousand one hundred thirty-six pounds, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *Georgia*, and other incidental expences attending the same, from the twenty-fourth day of *June*, one thousand seven hundred and sixty-two, to the twenty-fourth day of *June*, one thousand seven hundred and sixty-three.

4,589l. 19s. 11 d. 1 q. for charges in maintaining the settlement of *Nova Scotia* in 1760, not provided for;

5,674l. 12s. 10d. for charges of the civil establishment of *Nova Scotia*;

4,136l. for charges of the civil establishment of *Georgia*;

XV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred thirty-three thousand three hundred thirty-three pounds, six shillings, and eight pence, upon account, to enable his Majesty to give a proper compensation to the respective provinces in *North America*, for the expences incurred by them in the levying, cloathing, and pay, of the troops raised by the same according as the active vigour and strenuous efforts of the respective provinces shall be thought by his Majesty to merit; and any sum or sums of money, not exceeding thirteen thousand pounds, to be employed in maintaining and supporting the fort at *Annamaboe*, and the other *British* forts and settlements upon the coast of *Africa*; and any sum or sums of money, not exceeding forty thousand and fifty pounds, upon account, towards enabling the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children, to maintain and educate such children as were received into the said hospital on or before the twenty-fifth day of *March*, one thousand seven hundred and sixty, from the thirty-first day of *December*, one thousand seven hundred

133,333l. 6s. 8d. as a compensation to the provinces in *North America*, for expences incurred in levying, cloathing, and pay of troops there;

13,000l. for supporting the forts and settlements upon the coast of *Africa*;  
40,050l. to the foundling hospital; to be issued without fee;

6,410l. 5s. 10d. 3q. to make good the like sum issued by his Majesty, pursuant to the address of the house of commons ; 5,000l. to enable the commissioners for paving, &c. the streets of Westminster, to perform the trusts reposed in them ;

49,558l. 18.6d. to make good the deficiency of tonnage and poundage of 6 Annæ, and 6 Geo. 1.

48,891l. 14s. 11d. to make good the deficiency on 5 July, 1762, of the duties on offices and pensions, and upon houses and lights ;

26,710l. to make good the deficiency on 5 Jan. 1763, of the additional duty on strong beer and ale ;

7,151l. 9s. 10d. 1q. to make good the de-

and sixty-two exclusive, to the thirty-first day of December, one thousand seven hundred and sixty-three inclusive ; and that the said sum be issued and paid for the use of the said hospital without fee or reward, or any deduction whatsoever ; and any sum or sums of money, not exceeding six thousand four hundred and ten pounds, five shillings, and ten pence three farthings, to make good to his Majesty the like sum issued by his Majesty's orders, pursuant to addresses of the house of commons ; and any sum or sums of money, not exceeding five thousand pounds, towards enabling the commissioners for putting in execution an act made in the last session of parliament, intituled, *An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that part of Saint Andrew's Holborn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the duchy of Lancaster which lies in the county of Middlesex ; and for preventing annoyances therein ; and for other purposes therein mentioned* ; more effectually to perform the trusts reposed in them ; and any sum or sums of money, not exceeding forty-nine thousand five hundred fifty-eight pounds, one shilling, and six pence, to make good the deficiency of the half subsidies of tonnage and poundage, charged with the payment of several annuities by the acts made in the sixth year of the reign of Queen Anne, and the sixth year of the reign of King George the First, to satisfy all annuities charged thereupon to the fifth day of January, one thousand seven hundred and sixty-three ; and any sum or sums of money, not exceeding forty-eight thousand eight hundred ninety-one pounds, fourteen shillings, and eleven pence, to replace in the sinking fund the like sum paid out of the same to make good the deficiency on the fifth day of July, one thousand seven hundred and sixty-two, of the several rates and duties upon offices and pensions, and upon houses, and upon windows or lights, which were made a fund by an act passed in the thirty-first year of the reign of his late Majesty, for paying annuities at the bank of England in respect of five millions borrowed towards the supply granted for the service of the year one thousand seven hundred and fifty-eight ; and any sum or sums of money, not exceeding twenty-six thousand seven hundred and ten pounds, to replace to the sinking fund the like sum paid out of the same to make good the deficiency on the fifth of January, one thousand seven hundred and sixty-two, of the additional duty upon strong beer and ale, to answer and pay the several annuities of three pounds *per centum per annum*, and one pound, two shillings, and six pence *per centum*, on eleven millions four hundred thousand pounds, part of twelve millions, borrowed towards the supply granted to his Majesty by an act made in the first year of his Majesty's reign, for the service of the year one thousand seven hundred and sixty-one ; and any sum or sums of money, not exceeding seven thousand one hundred fifty-one pounds, nine shillings,

shillings, and one penny farthing, to make good the deficiency of the grants for the service of the year one thousand seven hundred and sixty-two. deficiency of the grants for the year 1762.

XVI. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament. These aids to be applied to no other uses.

XVII. And, as to the said sum of thirty-three thousand three hundred fifty-one pounds, seventeen shillings and six pence, and eighty-eight thousand seven hundred and four pounds, three shillings, and four pence, by this act appropriated, on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same who was a minor, and under the age of sixteen years at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such person who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons as would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain. Rules to be observed in the application of the half-pay.

XVIII. And whereas by an act of parliament made and passed in the second year of his present Majesty's reign, intituled, *An act for enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for allowing time for the payment of the stamp duties omitted to be paid upon admissions into corporations or companies, and appointments to offices therein; and for the relief of William Earle, in respect of a quantity of white salt lost by the wreck of a ship near the harbour of Dublin;* the several supplies which had been granted to his present Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed, amongst which, any sum or sums not exceeding thirty-four thousand three hundred Clause in the act of a Geo. 3<sup>d</sup>.



Application of  
the savings of  
the sum of  
34,383*l.* grant-  
ed last session  
towards half-  
pay.

dred and eighty-three pounds, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: Now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of thirty-four thousand three hundred eighty-three pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed, or have lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

Any goods  
or effects, be-  
ing the  
growth or  
produce of  
any of the  
islands ceded  
by the defini-  
tive treaty of  
10 March,  
1763, to the  
crowns of  
France and  
Spain, may be

XIX. And whereas by the definitive treaty of peace between his Majesty and the crowns of *France* and *Spain*, ratified the tenth day of *March*, one thousand seven hundred and sixty-three, the islands of *Guadeloupe*, *Marie Galante*, *Desirade*, *Martinico*, and *Goree*, are ceded to *France*, and all that his Majesty had conquered in the island of *Cuba* is ceded to *Spain*, and the term of eighteen months to be computed from the day of the ratification of the said treaty, is thereby allowed to *British* subjects to transport their effects from those islands: And whereas the produce of those places imported into this kingdom, after the restitution thereof to *France* and *Spain*, will be subject to higher duties than they were liable to, during the time they remained in his Majesty's possession: To the end therefore that his Majesty's subjects, having effects in the places before mentioned, may have all due encouragement and opportunity to bring the same from thence; be it enacted by the authority aforesaid, That it shall and may be lawful for any of his Majesty's subjects, to import into this kingdom at any time before the first day of *November*, one thousand seven hundred and sixty-four, and no longer, in *British* ships navigated according to law, directly from the places before mentioned, any goods or effects being the growth or produce thereof respectively, upon payment of such and the like customs and duties only, as would be due and payable for the same, if such places had remained and were in the possession of his Majesty; any law, custom, or usage, to the contrary notwithstanding.

imported by *British* subjects, in *British* ships: at any time before 1 Nov. 1763, paying common duties.

## C A P. XVIII.

*An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies remaining in the exchequer for the service of the year one thousand seven hundred and sixty-three.*

Most Gracious Sovereign,

**W**E, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, have resolved to give and grant to your Majesty the sums herein after-mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of such monies as shall, from time to time, be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called *The sinking fund*, after paying or reserving sufficient to pay all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same, there shall and may be issued and applied, for and towards making good the supply granted to his Majesty for the service of the year one thousand seven hundred and sixty-three, a sum not exceeding two millions; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

*Preamble.*  
Towards raising the supplies granted, there may be issued out of the sinking fund, a sum not exceeding 2,000,000 l.

II. And be it further enacted by the authority aforesaid, That the sum of forty seven thousand one hundred and twenty pounds, nine shillings, and six pence, remaining in the receipt of exchequer, being the surplus of the several duties upon beer and ale, granted by an act made in the first year of his Majesty's reign, after satisfying all charges and incumbrances thereupon, to the fifth day of *January*, one thousand seven hundred and sixty-three; and also such part of the sum of twenty thousand pounds granted to his Majesty in the last session of parliament, upon account, towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England*, when unembodied, and of the cloathing of the part of the said militia then unembodied, for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and sixty-two, as shall remain in the receipt of the exchequer after the said charges are satisfied, shall and may be, in like manner, issued and applied at the said receipt, for and towards the said supply.

47,120 l. 9 s. 6 d. surplus remaining in the exchequer, of the duties on beer and ale; and such part of the sum of 20,000 l. granted in the last session, towards pay of the unembodied militia, as shall be unapplied.

III. And

Clause of loan  
for raising the  
aforesaid sum  
of £,000,000 l.

III. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it advisable to raise the said sum of two millions, or any part thereof, by loans of exchequer bills, in manner herein after-mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the said sum of two millions, upon the credit of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, and to have and receive interest for the forbearance of the money lent, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the publick service; and moreover, that no money to be lent upon the security of this act, shall be rated or assessed to any tax or assessment whatsoever.

Tallies of  
loan may be  
struck for the  
same.

IV. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money, so to be lent, shall be registered in court, according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses, or other revenues; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses and purposes

Orders to be  
registered and  
paid in course.

as are appointed by any other act or acts of parliament in that behalf as aforesaid; and that no fee, reward, or gratuity, No fee to be paid for registering, &c.  
 directly or indirectly, shall be demanded or taken of any of his Majesty's subjects, for providing or making of any such books or registers, or any entries, views, or searches, in or for payment of money lent, or the interest thereof, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party grieved, and shall be forejudged of his place or office; and if any such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place: And in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon such orders, according to each person's due place and order, as before directed; then he or they shall be adjudged to forfeit, and the respective deputies and clerks, therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid: All how to be recovered.  
 which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

V. Provided always, and it is declared, That if it shall happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference, which if those be entered first, so as he enters them all the same day.

VI. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course; so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

It shall be deemed no undue preference, where tallies are dated, or brought the same day; nor if subsequent orders be paid before such as were not demanded in course.

Orders assign-  
able toties  
quoties.

VII. And be it further enacted, That all and every person and persons to whom any money shall be due, for loans to be registered by virtue of this act, after order entered in the book of register as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and, such assignee may, in like manner, assign again, and so toties quoties; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release or discharge the same, or any monies thereby due, or any part thereof.

Commission-  
ers of the trea-  
sury, if they  
shall think it  
more advise-  
able to raise  
the said sum or  
any part  
thereof by ex-  
chequer bills,  
they may  
make out any  
number of  
new exche-  
quer bills for  
the same,  
in like manner  
and form as is  
prescribed by  
the said act of  
this session.

VIII. And to the end there may be no want or failure of a certain sum not to exceed in the whole the said sum of two millions, to be raised, either by such loans as aforesaid, or by issuing exchequer bills, as is herein after mentioned, or by both or either of those ways or means, for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the said sum of two millions, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered, at any time or times, to prepare and make, or cause to be prepared and made, at the exchequer, any number of new exchequer bills, for any sum or sums of money, not exceeding in the whole the said sum of two millions, together with such loans aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of this present session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mow, cyder, and perry, for the service of the year one thousand seven hundred and sixty-three*, are enacted and prescribed, concerning the exchequer bills to be made in pursuance of the said act.

Clauses in the  
said act relat-  
ing to exche-  
quer bills, ex-  
tended to  
those to be  
made out  
in pursuance  
of this act,

IX. And be it further enacted by the authority aforesaid, That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the said last mentioned act, relating to the loans or exchequer bills, authorized to be made by the same act (except such clauses as do charge the same on the taxes granted by the same act, and except such clauses as limit the rate of interest to be paid for the forbearance of money lent on the credit of the said act) shall be applied

X. And be it enacted by the authority aforesaid, That all the exchequer bills is shall be made in pursuance of this act, and the interest, premium, rate, and charge incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surplusses, excesses, and overplus monies, or other revenues, composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging, such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

The fund bills, into est pre-m um, and charges, pay-able out of the sinking fund.

XI And be it declared and further enacted by the authority  
 aforesaid, That it shall and may be lawful for the governor and  
 company of the bank of *England*, to advance or lend to his Ma-  
 jesty in like manner at the receipt of the exchequer, upon the  
 credit of his royal duty, any sum or sums of money  
 not exceeding in the whole the sum of two millions, any thing  
 in an act made in the fifth and sixth years of the reign of King  
*William and Queen Mary*, intituled, *An act for granting to their*  
*Majesties customs and duties upon tonnage of ships at sea,*  
 and upon beer, ale, and other liquor, for securing their re-  
 venue and advantages in the said revenue, to such persons as  
 shall voluntarily advance the sum of one million five hundred thou-  
 sands towards carrying on the war against France, to the con-  
 trary whereof in any wise notwithstanding

CAP XIX.

*An act for the more easy and speedy recovery of small debts within the hundreds of Bradford, Melksham, and Whorlswold, in the county of Wilts.*

CAP XX.

*An act for permitting the importation, from Ireland, of  
stale and dirty butter, not fit for eating, commonly called  
grease butter.*

**W**HEREAS flax and Irish butter not fit for export, called Preamble.  
grease butter, is an essential ingredient in the manufacture  
of woollen cloth, commonly called broad and narrow bays, such is

**Importation**  
of greafe butter  
permitted  
from Ireland,  
duty free, for  
the term of  
5 years,

upon duly en-  
tering the  
same at the  
custom house

Where any  
shall be seized,  
as not coming  
within the  
meaning of  
this act,  
2 Justices of  
the peace may  
hear and de-  
termine the  
matter in a  
summary way,  
by inspection  
and examina-  
tion of persons  
on oath, in  
relation there-  
to.

**General issue**

carried on to a great extent And whereas from the scarcity of the said ingredient, the said manufactory is, at present, greatly distressed, and is in danger of being reduced, and the exportation of such goods greatly lessened And whereas the permitting the importation, from Ireland, of such greafe butter, will be advantageous to the said manufactory, and of great publick utility, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the importation of stale and dirty butter, not fit to eat, called *greafe butter*, from Ireland, shall be, and is hereby permitted, allowed, and authorized, for and during the term of five years from thence next ensuing, and from thence to the end of the then next session of parliament, and that all persons shall be, and are hereby exempted, freed, and discharged, from the payment of all subsidies, customs, rates, duties, or other impositions, and also from all penalties, forfeitures, payments, and punishments, for or upon account of importing or bringing into any port within the kingdom of Great Britain, stale and dirty butter not fit for eating, commonly called *greafe butter*, from Ireland, during the term aforesaid, provided such butter, and the package and quantity thereof, shall be duly entered at the custom house at any such port.

II And be it further enacted by the authority aforesaid, That in case any such greafe butter shall be stopped or seized by any of the officers of his Majesty's customs at such port, under pretence of its being fit to eat, or otherwise, as not coming within the intent and meaning of this act, it shall be lawful for any two justices of the peace for the county, district, or division, where the same shall be stopped or seized, and such justices are hereby authorized and required, within fourteen days after application made to them for that purpose, to hear and determine the matter in a summary way, and, for that purpose, to inspect, if they think fit, the butter in question, and also to call before them, and examine on oath, any two reputable persons, dealers in butter, one whereof shall be allowed to be chosen by the importer or proprietor, and the other by the officer or other person so stopping or seizing such greafe butter, and also such other witnesses as shall be desired by either party, and the determination of the said justices therein, shall be binding and conclusive to and upon all parties, wherein no appeal shall be allowed.

III. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act, and if it shall appear so to have been done, the jury shall find for the defendant or defendant, and if the plaintiff shall be non-suited,

or

discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law. Treble costs.

## CAP. XXI.

*An act for explaining, amending, and rendering more effectual, an act made in the nineteenth year of the reign of King Henry the Seventh, intituled, "Silk works."*

**W**HEREAS by an act passed in the nineteenth year of the reign of King Henry the Seventh, intituled, "Silk works," it is, amongst other things, ordained and enacted, That no manner of person shall from thenceforth bring, or cause to be brought, into the realm of England, to be sold, any manner of silk wrought by itself, or with any other stuff, in any place out of the said realm, in ribbands, laces, or girdles, upon pain of forfeiture of all the said ribbands, laces, and girdles, and every of them, in whose hands soever they be found, or the value of the same, the one moiety to the King, and the other moiety unto any of the King's subjects that would sue for the same. And whereas notwithstanding the aforesaid act, and the other laws now in being, great quantities of foreign manufactures, and particularly ribbands, laces, and girdles, are brought into, and sold in this kingdom, to the great diminution of the trade and manufactures of this kingdom, and to the great prejudice, hindrance, and impoverishment, of great numbers of his Majesty's subjects, an evil which, if not timely prevented, will effect and greatly lessen the public revenue, and greatly distress the silk trade and manufactures of this kingdom. For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any person or persons shall, after the twenty-fourth day of June, one thousand seven hundred and sixty three, import, bring, or convey, or cause to be imported, brought, or conveyed, into this kingdom, any ribbands, laces, or girdles, not made and manufactured in Great Britain, whether the same be wrought of silk alone, or wrought of silk mixed with any other materials, all such ribbands, laces, and girdles, shall be, and the same are hereby declared to be forfeited, and the same shall and may be seized and detained by any person or persons whatsoever, in whatever importers, venders, or retailers hands the same may be found or discovered, and shall be disposed of as herein after is mentioned, and the person or persons bringing, conveying or importing such ribbands, laces, or girdles, into this kingdom, or causing the same to be so brought, conveyed, or imported, shall also forfeit, for every offence, the sum of one hundred pounds, and all and every person and persons who shall be aiding, abetting, or assisting in the bringing and con-

Preamble, re-citing clause in act 19 Hen.

Foreign silk ribbands, laces, or girdles, imported,

are forfeitable, and may be seized by any person,

and the importer forfeits also 100 l.

and all persons assisting



therein, 50 l.  
each;

and the vendors, retailers, and persons concealing the same, forfeit, besides the loss of the goods, 50 l.

One moiety of the said penalties to go to the King, and the other to the prosecutor, to be recovered in any of the courts at Westminster,

or Exchequer in Scotland.

Where the value of the goods so seized out of London and Westminster, do not exceed 20 l. Two justices may proceed to condemnation, or discharge thereof.

veying or importing into this kingdom, any such ribbands, laces, or girdles, as aforesaid, shall severally forfeit and pay the sum of fifty pounds, over and above any interest which he, she, or they may have, or may have had, in any such ribbands, laces, or girdles.

II. And be it further enacted by the authority aforesaid, That all and every person and persons, being a vender or venders, retailer or retailers, of any kind of ribbands, laces, or girdles, respectively, in whose custody or possession any such ribbands, laces, or girdles, or any of them, shall be found, or who shall sell or expose to sale, any such ribbands, laces, or girdles, as aforesaid, or who shall conceal any such ribbands, laces, or girdles, with intent to prevent the forfeiture or seizure of the same, shall, over and above the forfeiture and loss of such ribbands, laces, and girdles, and all interest which he, she, or they, may have therein, for every such offence, forfeit and pay the sum of fifty pounds.

III. And be it further enacted by the authority aforesaid, That all pecuniary forfeitures and penalties incurred under this act, shall be paid, one moiety to our sovereign lord the King, his heirs, and successors, and the other moiety to him or them who will sue or prosecute for the same respectively; such of the said penalties which shall arise in that part of *Great Britain* called *England*, to be sued and prosecuted for in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and such of them as shall arise in that part of *Great Britain* called *Scotland*, to be sued and prosecuted for in the court of *Exchequer* at *Edinburgh*, in such manner as any penalties and forfeitures for offences against the laws touching the customs may be sued or prosecuted for there respectively.

IV. Provided always, and be it also further enacted by the authority aforesaid, That whenever such ribbands, laces, and girdles, shall be found and seized in that part of *Great Britain* called *England*, and out of the cities of *London* and *Westminster*, and the limits of the weekly bills of mortality, and the same shall not exceed in value the sum of twenty pounds, it shall and may be lawful for two or more of his Majesty's justices of the peace for such county, city, borough, or place, where the same shall be so found and seized, upon any information before them, that such ribbands, laces, or girdles, were seized as ribbands, laces, or girdles, unduly brought into, and not manufactured within, this kingdom, to hear and determine the same, and to proceed to condemnation or discharge thereof, as shall seem just; any thing herein before contained to the contrary notwithstanding.

V. And, for the utter prevention of all and every such ribbands, laces, and girdles, seized and condemned as aforesaid, from ever being made use of to the prejudice of the trade and manufactures of this kingdom, be it further enacted by the authority

authority aforesaid, That all and every such ribbands, laces, and girdles, after condemnation thereof, shall, by order of the court, judge or judges, or justices, where or before whom such condemnation shall be had, be publickly burnt and entirely destroyed; but the execution of such order shall, and may be suspended for so long time only as may be thought just and meet, for the better attaining the ends of justice, with regard to any suit or prosecution had, or to be had, for the recovery of any pecuniary penalty or penalties by this act inflicted.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, That forthwith, after the seizure of any such ribbands, laces, or girdles, as aforesaid, the same, until they shall be condemned, burnt, and destroyed, as aforesaid, or discharged as unduly seized, shall be deposited in one of the King's ware-houses belonging to the custom-house, in case such seizure happens to be within the cities of *London* or *Westminster*, or the weekly bills of mortality, where the same shall be received and admitted at all times by the proper officer or officers there, who is and are hereby impowered and required to receive and preserve the same until they shall be condemned, burnt, and destroyed, or discharged as aforesaid; and in case such seizure shall be made out of the said cities of *London* and *Westminster*, and the weekly bills of mortality, then the same shall be deposited in the hands of the chief magistrate of such city, town, or place, where the same shall be seized, or in the hands of the constable of the next adjacent village, who is and are hereby impowered and required to receive and preserve the same, until they shall be condemned, burnt, and destroyed, or discharged as aforesaid; and all and every such ribbands, laces, and girdles, may, from time to time, be viewed and inspected by any person or persons, on behalf of the prosecutor or prosecutors, or of the person or persons interested in, or claiming, the said ribbands, laces, and girdles, with the leave of the court, officers, judges, or justices, where or before whom any prosecution or suit shall be carried on for condemnation thereof, or for recovery of any penalty by this act inflicted, who are and is hereby required to make and give such order, from time to time, for that purpose, as may be just and reasonable.

VII. And, for the better discovering and detecting any offender or offenders against this act, be it enacted by the authority aforesaid, That upon an information in writing made upon oath before any two or more of his Majesty's justices of the peace for the respective county, or place (which information shall be signed by the party or parties making the same) that there is good ground and reason to suspect that such ribbands, laces, or girdles, as aforesaid, have been imported into this kingdom, and are concealed by, or are in the possession or custody of any retailer or seller of any kind of ribbands, laces, or girdles, contrary to the true intent of this act, it shall and may be lawful for such justices respectively, to issue their warrant or warrants to any constable or constables, or other peace

After condemnation the goods to be burnt, suspending the execution thereof only till prosecution of the penalties.

The goods, after seizure, to be deposited, till condemnation, or discharge, in the King's ware houses, if the seizure be made within the bills of mortality,

if elsewhere, then in the hand of the chief magistrate,

or constable;

and to be free to inspection, with leave of court, &c.

Upon information given in upon oath before 2 justices, search warrants may be granted;

and seizure  
made of such  
goods as shall  
thereupon be  
found.

officer or officers, within the said county or place, empowering him or them to search, in the day-time, the house or houses, out-house or out-houses, ware-houses, shops, cellars, rooms, and other places, belonging to, or hired, employed, or made use of, by such retailer or seller who shall be suspected to conceal or have in his, her or their possession or custody, any ribbands, laces, or girdles, not made or manufactured within *Great Britain*; and if any such ribbands, laces, or girdles, not being made or manufactured within *Great Britain*, shall be found, to seize and carry away the same, for the purpose of carrying this act into execution, and to dispose thereof as is herein before directed.

General issue.

VIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done by the authority of this act; and if it shall appear to have been so done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

Treble costs.

Defendant,  
with leave,  
may pay money  
into court.

IX. Provided always nevertheless, and it is hereby enacted, That in every such action, it shall and may be lawful for the defendant or defendants, by leave of the court where such action shall be depending, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, as amends for the matter or cause complained of in such action; whereupon such proceedings, orders, and judgments, shall and may be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

In doubts  
with respect to  
the place  
where the  
goods were  
manufactured,  
the *onus probandi* to lie  
on the person  
in whose custody  
they are  
found.

X. And be it further enacted by the authority aforesaid, That if any ribbands, laces, or girdles, wrought of silk alone, or of silk mixed with any other materials shall be seized by virtue and in pursuance of this act, and any doubt or question shall afterwards arise, where the said ribbands, laces, or girdles, so wrought as aforesaid, were manufactured, the proof shall lie upon such person or persons, being a vender or venders, retailer or retailers, of any kind of ribbands, laces, or girdles, respectively, in whose custody or possession the same were found, and not upon the prosecutor or prosecutors, plaintiff or plaintiffs; and in case no such proof shall be given, that such ribbands, laces, and girdles, were manufactured within *Great Britain*, then the same shall, without any further proceeding, be taken and held to have been manufactured out of *Great Britain*, and contrary

contrary to, and in violation of, this act; any law or custom to the contrary notwithstanding.

XI. Provided always, and it is hereby declared, That if any such person or persons, in whose custody or possession any such ribbands, laces, or girdles, as aforesaid, shall be seized by virtue and in pursuance of this act (such person or persons not importing or concealing the same) shall discover, upon oath, before any one or more justice or justices of the peace, the person or persons who sold such ribbands, laces, or girdles, to such person or persons, in whose custody or possession the same shall be seized, so as that such person or persons so selling the same shall or may be prosecuted and convicted according to the intent of this act, as the seller thereof, in case the same shall be, or be taken and held to be, within the intent and meaning of this act, manufactured out of *Great Britain*; such person or persons so discovering as aforesaid, shall be, and is and are hereby freed and discharged of and from all and every penalties and forfeitures by this act inflicted, upon all and every person and persons being a vender or venders, a retailer or retailers, having in their custody or possession, any such ribbands, laces, or girdles, as aforesaid, not made or manufactured in *Great Britain*, and of and from any proof that such ribbands, laces, or girdles, so seized as aforesaid, are manufactured in *Great Britain*.

Persons in whose custody such goods shall be seized (not importing or concealing the same) discovering the vender,

are discharged from the penalty themselves.

XII. Provided also, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained, shall extend, or be in any wise construed to extend, to subject any person or persons whatsoever, who shall wear or make use of such ribbands, laces, or girdles, as aforesaid, as part of his, her, or their apparel or dress only, to any forfeiture, or to any pecuniary penalty or penalties inflicted by this act, or to any proof that such ribbands, laces, or girdles, are manufactured within *Great Britain*.

The wearers of such ribbands, laces, or girdles, are exempted from all forfeiture and penalty.

## CAP. XXII.

*An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making seizures; and for prevention of the clandestine running of goods into any part of his Majesty's dominions.*

WHEREAS by an act passed in the twelfth year of the reign of his late Majesty King George the First, intituled, An act for the improvement of his Majesty's revenues of customs, excise, and inland duties, the commissioners of those revenues are respectively empowered and directed to cause all tea, coffee, foreign brandy, rum, or other foreign exciseable liquors, which shall be seized by any officers of the customs or excise, after condemnation, to be publicly sold to the best bidder, at such places as the said commissioners shall think proper; and to allow the officers making such seizures, for their encouragement, one third part of the full sum arising from the publick sale of all such tea, coffee, foreign brandy, rum, or other exciseable liquors, free from all charges of condemnation and sale; and to

Preamble, reciting clause in act 12 G. 1.

cause

cause the remaining part of the produce of such sales, after paying the reward to the officer, and the charges of condemnation and sale for such seizures, to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's moiety, as was then practised: and whereas by several subsequent acts of parliament, one moiety of all fines, penalties, and forfeitures, imposed by an act relating to the duties of excise, or any other duty under the management of the commissioners of that revenue, is given to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same; in pursuance of which laws the officers of excise seizing any of the commodities herein, before enumerated, have been allowed a moiety thereof; but the provisions in those subsequent laws, not extending to such seizures when made by officers of the customs, they have hitherto been allowed only one third of the produce thereof; pursuant to the directions of the before-recited act of the twelfth of George the First: and whereas the power given by the said recited act to the respective commissioners of the customs and excise, to cause the goods therein enumerated to be publicly sold, has been found very advantageous to the revenue; and if the like power was extended in general to all sorts of goods, it would prevent many frauds, and illicit combinations practised by bidders in the court of Exchequer, to the great detriment of the public revenue and the fair trader: and whereas, it is highly reasonable and just, as well as of public utility, that the officers of the customs and excise should have equal encouragement to be vigilant in the exertion of their duty, to suppress the pernicious practice of smuggling; to which end, may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand seven hundred and sixty-three, it shall and may be lawful to and for the commissioners of his Majesty's customs, to cause all ships, vessels, and boats, and all goods of what kind soever they may be (excepting only such vessels, boats, and goods, as are by law liable to be burnt) which shall be seized by any officers of the customs, for unlawful importation, or for non-payment of duties, or for any other cause of forfeiture, and condemned according to law, to be sold publicly to the best bidder, at such places as the said commissioners shall think proper; and all and every officer who shall seize such goods, shall, for his and their encouragement, be allowed by the said commissioners, one moiety of the net produce arising by the sale of such seizure, after deducting the charges of condemnation and sale from the whole; and the said commissioners shall cause the other moiety thereof to be paid into the receipt of his Majesty's exchequer, in lieu of his Majesty's share thereof (excepting in those cases which are otherwise provided for by this act) any law, custom, or usage, to the contrary notwithstanding.

Vessels or goods seized by the officers of the customs, to be publicly sold, after condemnation, to the best bidder, at such places as the commissioners of the customs shall think proper. One moiety of the produce to go to the said officers; and the other to be paid into the exchequer.

II. Provided always, and it is hereby declared and enacted by the authority aforesaid, That after deducting the charges of condemna-

condemnation and sale from the gross produce of all wrought silks, bengals, and stuffs, mixed with silk or herba of the manufacture of *Persia, China, or East India*, and all callicoos, painted, dyed, printed, or stained there, which shall be seized and condemned in pursuance of an act passed in the eleventh and twelfth years of the reign of the late King *William the Third*, (intituled *An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom*) the said commissioners of the customs shall allow to the officer or officers who shall seize the same, two third parts of such net produce, and cause the remaining third part thereof to be paid into the receipt of his Majesty's exchequer, and that for all wool, and any other of the species of goods enumerated in an act passed in the twelfth year of the reign of his late majesty King *George the Second* (intituled, *An act for taking off the duties upon woolen and bay yarn imported from Ireland to England, and for the more effectual preventing the exportation of wool from Great Britain, and of wool, and wool manufactured, from Ireland to foreign parts*, after deducting the charges of condemnation and sale, the remainder of the produce shall be paid to the officer who shall seize the same, in such manner as by the said act is directed; and that for all tobacco, tobacco stalks, and snuff, which shall be burnt or destroyed in pursuance of an act passed in the twenty-fourth year of the reign of his late majesty King *George the Second* (intituled, *An act for the more effectual securing the duties upon tobacco*) the officer or officers seizing the same, shall be paid, in the manner directed by that act, three pence for every pound weight of such tobacco and snuff, and one penny for every pound weight of tobacco stalks; and that for such tea as shall be burnt or otherwise destroyed by order of the respective commissioners of the customs or excise, pursuant to the laws now in being, the officers making the seizure, shall be rewarded in such manner as the said commissioners shall think proper, such reward not exceeding two shillings and six pence for each pound weight of such tea, in lieu of all other allowances; any thing in this or any other act to the contrary notwithstanding.

III. Provided also, and it is hereby further enacted by the authority aforesaid, That if the produce of any particular seizure, sold in pursuance of this act, shall not be sufficient to answer the expences of condemnation and sale; or if upon the trial of any seizure, a verdict shall be given for the claimant, and the ship or goods shall not be condemned; in either of those cases, it shall and may be lawful for the commissioners of his Majesty's customs, to order the charges attending the seizing and prosecuting such ship or goods, to be paid out of any branch of the revenue of the customs which is by law applicable to the payment of incidents; any thing in this or any other act of parliament to the contrary notwithstanding.

IV. And whereas for the more effectual prevention of the infamous practice of smuggling, it may be necessary to employ several

Officers to be allowed, after all charges deducted, two third parts of the produce upon wrought silks, bengals, stuffs mixed with silk or herba, of Persian or East Indian manufacture, and callicoos, seized and condemned in pursuance of act 11, 12, Will. 3. the other third to be paid into the exchequer; and upon wool, and other goods enumerated act 12 Geo. 2. the produce after all charges; and upon tobacco and snuffs burnt, &c. pursuant to act 24 Geo. 2. 3d. per lb. and for tobacco stalks, 1d. per lb. and for tea not exceeding 2s. 6d. per lb.

Where the produce of any seizure shall not answer the expences of condemnation and sale, or a verdict be given for the claimant, the charges to be paid out of any branch of the revenue applicable to incidents.

several of the ships and vessels of war belonging to his Majesty, his heirs, and successors, on the coasts of *Great Britain and Ireland*, and of the other dominions and colonies belonging to the crown of *Great Britain*, therefore for the better encouragement of all the officers and seamen employed in such service to do their duty therein, be it enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs, and successors, to direct and appoint the moiety herein before mentioned, or any other part of all and every the seizure and seizures that shall be made by such officers or seamen respectively, so employed as aforesaid, to be divided amongst all such officers and seamen of such ship or vessel of war, who shall make any such seizure as aforesaid, in such proportions, and in such manner, as his Majesty, his heirs, and successors, shall think fit to order and direct, by any order or orders of council, or by any proclamation or proclamations to be made or issued, from time to time, for that purpose, and such moiety, or other part of the said seizure or seizures, shall be so paid and divided to and amongst all the officers and seamen of such ship or vessel of war accordingly.

The King to direct, by order of council or proclamation how the share of such seizures as shall be made by vessels in his service, shall be divided amongst the officers and men

V And whereas the laws already made to prevent the clandestine importing and landing of foreign brandy, rum, strong water, or other spirits, tea, tobacco, tobacco stalks, and snuff, in small vessels, which hover upon the coasts of this kingdom, have been found insufficient for that purpose, be it further enacted by the authority aforesaid, That from and after the first day of *June*, one thousand seven hundred and sixty-three, if any foreign brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek, thereof, in any ship, vessel, or boat, of the burthen of fifty tons, or under (except only for the use of the seamen then belonging to and on board such ship, vessel or boat, not exceeding two gallons for every such seaman) every such ship, vessel, or boat, with all her tackle, furniture, and apparel, and also all such brandy, arrack, rum, strong waters, or spirits, or the value thereof, shall be forfeited and lost, and where any brandy, arrack, rum, strong waters, or other spirits, or any tea, tobacco, tobacco stalks or stems stripped from the leaf, or snuff, is or are liable to forfeiture, by virtue of an act made in the ninth year of the reign of his late majesty King *George the Second*, intituled, *An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenue of customs and excise, and for enforcing those laws for the future*, and by another act made in the twenty fourth year of the reign of his said late majesty King *George the Second*, intituled, *An act for the more effectual securing the duties upon tobacco*, or either of them, for being found on board any such ship or vessel at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, as is particularly expressed in those acts it is hereby further enacted, That in every such case the ship or vessel on board of which such goods shall be so found, with

Where any foreign ship, dy, arrack, rum, or other spirits, not being for the ship's use, shall be imported, &c in any vessel of 50 tons or under, the same, together with the vessel and furniture shall be forfeited, and in like manner, where any spirits, tea, tobacco, tobacco stalks, or snuff, shall be liable to forfeiture by act of Geo<sup>2</sup> or act 24 Geo<sup>2</sup> the vessel on board of which the same shall be found it

with all her tackle, furniture, and apparel, shall also be forfeited and lost, provided such ship or vessel doth not exceed the burthen of fifty tons.

VI. And it is hereby further enacted by the authority aforesaid, That every ship or vessel forfeited by this act, shall be seized and prosecuted, and after condemnation be burnt, destroyed, or used in his Majesty's service by the officers of the customs or excise, and the tackle, furniture, and apparel, disposed of and divided, and the tonnage, ascertained in the same manner as is directed by the laws now in force, with respect to vessels of forty tons or under, forfeited for importing foreign brandy or other spirits.

VII. And it is also further enacted by the authority aforesaid, That no writ of delivery shall be granted out of the court of exchequer, for any ship, vessel, or boat, that is liable to be burnt, destroyed, or used in his Majesty's service by virtue of this act, or any other act relating to the customs or excise, unless the officer seizing the same shall delay proceeding to the trial and condemnation thereof for the space of three terms; and in that case, not without good security being given in double the appraised value of such ship, vessel, or boat, to return the same upon condemnation, in order to be burnt, destroyed, or used in his Majesty's service according to law.

double the value, to return the vessel upon condemnation.

VIII. And whereas by an act passed in the eighth year of the reign of her late majesty Queen *Anne*, for granting to her Majesty new duties of excise, and upon several imported commodities; and by another act passed in the fifteenth and sixteenth years of the reign of his late majesty King *George* the Second, for further regulating the plantation trade, and several other purposes; it is amongst other things enacted, That every person, upon entry of any claim in the court where any prohibited or uncustomed goods, or any ship, vessel, or boat, shall be prosecuted, shall be obliged to give security, in the penalty of thirty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court for entering such claim, such goods, ships, vessels, or boats shall be recovered: and whereas many persons have, from the smallness of the penalty, been induced to enter groundless claims in fictitious names, with a view to put the officers of the revenue to vexatious trouble and delay, as well as to deter them from prosecuting seizures legally made, by putting them to an extraordinary expence, oftentimes more than the value of the goods seized, which tends very much to the prejudice of the publick revenue, and to the discouragement of the officers thereof in the execution of their duty: to remedy therefore this inconvenience for the future, be it enacted by the authority aforesaid, That from and after the first day of *May*, one thousand seven hundred and sixty-three, every person, upon entry of any claim in the court where any goods, ships, vessels,

under 50 tons shall be forfeited, with her apparel; and the vessels &c. seized and condemned, are to be disposed of, as vessels of 40 tons or under, forfeited for importing foreign brandy, &c.

No writ of delivery to be issued out of the exchequer for any such vessel, unless the officer delay proceeding to trial and condemnation three terms, and security be given in

Clauses in act 8 Ann.

and 15 & 16 Geo. 2.

Claimant, upon entering his claim, to



give security  
in 60l. to pay  
costs;

and in de-  
fault thereof,  
the goods and  
vessel to be  
condemned.

Clauses in act  
6 Geo. 1.

sels, or boats, shall be prosecuted, shall be obliged to give security, in the penalty of sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court for entering claims, such goods, ships, vessels, or boats, shall be adjudged to be forfeited, and shall be condemned; any thing in the before recited acts, or any other act of parliament, to the contrary notwithstanding.

IX. And whereas, by certain clauses in an act made in the fifth year of the reign of his late majesty King George the First, intituled, *An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs;* (which clauses have been continued by several subsequent acts) it was declared and enacted, That where any ship or vessel of the burthen of fifty tons, or under, laden with customable or prohibited goods, should be found hovering on the coasts of this kingdom within the limits of any port, and not proceeding on her voyage for foreign parts, or to some other port of this kingdom, wind and weather permitting, it should and might be lawful to and for any officer or officers of his Majesty's customs, to go on board every such ship or vessel, and to take an account of the lading, and to demand and take security from the master, or other person having or taking the charge or command of such ship or vessel in that voyage, by his own bond by him to be entered into unto his Majesty, his heirs and successors, in such sum or sums or money as should be treble the value of such foreign goods then on board, with condition that such ship or vessel, as soon as wind and weather and the state and condition of such ship or vessel permitted, should and would proceed regularly on such voyage, and should land such foreign goods in and at some foreign port or ports; and if such master, or other person having or taking the charge or command of such ship or vessel, should, upon such demand, refuse to enter into such bond, or, having entered into such bond, should not depart or proceed regularly on such voyage as soon as wind and weather and the state and condition of such ship or vessel should permit, unless otherwise suffered to make a longer stay by the collector, or other principal officer in his absence, of such port where such ship or vessel should be, not exceeding twenty days, then, and in either of the said cases, all the foreign goods so on board such ship or vessel, should and might, by any officer or officers of the customs, by direction of the collector, or other principal officer as aforesaid, be taken out of and from such ship or vessel, and forthwith brought on shore and secured; and in case the said goods were customable, the customs and other duties should be paid for the same: and as concerning wool, or any prohibited goods, or other goods liable to forfeiture, which might be found on board such ships or vessels at the time of their unlading as aforesaid, the same were thereby declared to be subject to forfeiture, and the officers of the customs should and might prosecute the same, as also the ship or vessel, in case

she should be liable to condemnation, as in the manner therein after mentioned; and that after such goods were so taken out of such ship or vessel, and brought on shore and secured by such officer or officers, such bonds so to be given as aforesaid, should be void and delivered up, without any fee or reward for taking or delivering up the same; and such bond, not being otherwise discharged, should, on a proper certificate, returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known *British* merchants upon the place, that such goods were there landed, or upon proof by credible persons, that such goods were taken by enemies, or perished in the seas (the examination and proof thereof being left to the judgment of the commissioners of the customs) should be vacated and discharged: and whereas the extending of the said clauses to the rest of his Majesty's dominions, may be a means of preventing illicit trade; be it therefore enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty-three, the said clauses, and every part of them, shall be extended to all ships and vessels of the burthen of fifty tons, or under, which shall be found hovering on the coasts of *Ireland*, or any other of his Majesty's dominions or territories belonging to the crown of *Great Britain*; and shall be of equal force in every respect, in regard to all such ships and vessels found hovering on any of the coasts aforesaid, as such clauses now are, or shall be construed to be, in regard to any ships or vessels hovering on the coasts of this kingdom; and all offences which shall be committed against the said clauses, or any part of them, on the coasts of *Ireland*, shall be tried, and the penalties and forfeitures thereby incurred shall be prosecuted for and recovered, in any of his Majesty's courts of record in *Dublin* in the said kingdom; and all offences which shall be committed against the said clauses, or any part of them, on the coasts of any other of his Majesty's dominions or territories (except this kingdom) shall be tried, and the penalties and forfeitures thereby incurred shall be prosecuted for and recovered, in any court of admiralty, in the dominion or territory on the coast whereof such offence shall be committed (which court of admiralty is hereby authorized, empowered, and required to proceed to, hear, and determine, the same) or in any court of record in such dominion or territory, at the election of the informer or prosecutor, according to the course and method used and practised there in prosecutions for offences against penal laws relating to the customs or excise; and such penalties and forfeitures so recovered there, shall be divided and applied in such and the same manner as penalties and forfeitures recovered in *Great Britain* for the like offences are, or in pursuance of this act may be, directed to be divided and applied.

The recited clauses, respecting customs, territories or prohibited trade on board vessels of twenty or under tons, and hovering on the coasts by the officers of the custom, extended to all such like vessels found hovering on any of the coasts of *Ireland*; and the said offences to be tried, and penalties recovered, in any of the four courts in *Dublin*, offences in other parts, to be prosecuted in the court of admiralty, or other court of record of the place; and the forfeitures to be divided and applied as those in *Great Britain*.

## C A P. XXIII.

*An act to explain, amend, and render more effectual, an act made in the last sessions of parliament, intituled, An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the fields, Saint George the martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holbourn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the dutchy of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein; and for other purposes therein mentioned.*

Preamble.  
Act 2 Geo. 3.  
C. 21.

**W**HEREAS *an act was made in the last session of parliament, intituled, An act for paving, cleansing, and lighting, the squares, streets, and lanes, within the city and liberty of Westminster, the parishes of Saint Giles in the fields, Saint George the martyr, Saint George Bloomsbury, that part of the parish of Saint Andrew's Holborn which lies in the county of Middlesex, the several liberties of the Rolls and Savoy, and that part of the dutchy of Lancaster which lies in the county of Middlesex, and for preventing annoyances therein; and for other purposes therein mentioned: and whereas the commissioners for putting the said act in execution, have made some progress in the trusts reposed in them, but find that the said act is defective, with respect to some of the powers thereby given; nor can the same be effectually put in execution, so as to answer the good purposes thereby intended, unless some new powers are granted, and the said act, in other respects, amended and made more effectual; may it therefore please your Majesty, that it may be enacted; and be it enacted, &c.*

Five commissioners are invested with full power to execute all matters directed by the recited act to be done by a greater number, except in the case of electing new commissioners;—and they are empowered to alter the position of any of the water-pipes; and to pay the expence thereof out of the money appropriated for the purposes of the said act.—But the pavements taken up for placing or amending the pipes are to be repaired by the commissioner's pavours, at the expence of the proprietors; and the commissioners may compound with the said proprietors for such repairs.—Pavements liable to be repaired by any parish, body politick or corporate, are to be repaired at their expence by the commissioners pavours; and the commissioners may compound with such parishes, &c. for the same.—They may also direct the courses of the gutters to be turned; and the grates of the sewers to be removed and replaced; out of the money appropriated for the use of this act.—All signs, sign-irons, posts, spouts, gutters, or other annoyances, may be removed, and new placed by the commissioners; and for the future all signs, spouts, and gutters, &c. are to be placed on the fronts of the houses they belong to, on penalty of 5*l*.—Such parts of any of the said signs, &c. as shall remain unused after the alteration, to be returned to the owners.—Corner houses, &c. shall be rated no more, than in proportion to the part of such house,



a certificate being the custody of the records within such city or town where entered with such lands or tenements do lie, as follows (that is to say) the clerk of the peace, or other proper officer, 12 months before any such election begins;

**I** A. B. of *am really and bona fide seized*  
*of an annuity or rent charge, for my own use and benefit, of the*  
*clear yearly value of forty shillings, above all rents and charges payable*  
*out of the same, wholly issuing out of freehold lands, tenements, or he-*  
*reditaments, belonging to C. D. of* *situate, lying, and*  
*being, in the parish, township, or place, or in the parishes, townships,*  
*or places, of E. in the county of* *without any trust, agree-*  
*ment, matter, or thing, to the contrary notwithstanding; and I, or the*  
*person or persons under whom I claim, was or were seized of the said*  
*annuity or rent charge before the first day of June, one thousand seven*  
*hundred and sixty-three.*

and in like  
 manner with  
 respect to such  
 qualifications  
 as shall come  
 by descent,  
 marriage,  
 devise, presen-  
 tation, or  
 promotion.

II. And be it further enacted by the authority aforesaid,  
 That no person shall vote for the electing any knight or knights  
 of a shire, or for a citizen or citizens, burghers or burghesses, of  
 any such city or town, for that part of Great Britain called Eng-  
 land, in respect of any annuity or rent charge issuing out of free-  
 hold lands, tenements, or hereditaments, which shall come to  
 such person by descent marriage, marriage settlement, devise,  
 or presentation to a benefice in a church, or promotion to an  
 office, within twelve calendar months next before such election  
 respectively, unless a certificate upon oath, or affirmation if a  
 quaker, shall have been entered with the clerk of the peace, town  
 clerk, or other officer as aforesaid, before the first day of such  
 election, as follows; that is to say,

**I** A. B. of *am really and bona fide seized of an*  
*annuity or rent charge, to my own use and benefit, of the clear*  
*yearly value of forty shillings a year, above all rents and charges pay-*  
*able out of the same, wholly issuing out of freehold lands, tenements, or*  
*hereditaments, belonging to C. D. of* *situate, lying, and*  
*being in the parish, township, or place, or in the parishes, townships,*  
*or places, of* *in the county of* *without any*  
*trust, agreement, matter, or thing, to the contrary notwithstanding;*  
*and I became seized of the said annuity or rent charge, on the*  
*day of* *last past, by descent or otherwise (as the case may*  
*happen.)*

Nor may any  
 person vote in  
 any election  
 as aforesaid,  
 after 1 Aug.  
 1764,  
 in respect of  
 any annuity  
 or rent charge  
 granted after

III. And be it further enacted by the authority aforesaid,  
 That from and after the said first day of *next*, one thousand  
 seven hundred and sixty-four, no person shall vote at any elec-  
 tion of a knight or knights of the shire, or of any citizen or  
 citizens, burghers or burghesses, of any such city or town, within  
 that part of Great Britain called England, for or in respect of any  
 annuity or rent charge to be granted after the said first day of  
*June*, one thousand seven hundred and sixty-three, unless a me-  
 morial

memorial of the grant of such annuity or rent charge shall have been registered with the clerk of the peace of the county, riding, or division, or with the clerk of the peace, town clerk, or other public officer, having the custody of the records, within such city or town where the lands or tenements out of which such annuity or rent charge issues shall lie, twelve calendar months at least before the first day of such election; which memorial shall be wrote on parchment, and directed to such clerk of the peace, town clerk, or other public officer, and shall be under the hand and seal of the grantor and grantors, and attested by two witnesses, one whereof to be one of the witnesses to the execution of such grant; which witness shall upon oath before such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, prove the sealing and delivering of such grant, and the signing and sealing of such memorial; and which memorial shall contain the day and year of the date, and the names, additions, and abodes, of the parties and witnesses, and all the lands and tenements out of which the annuity or rent charge issues, and the parish, township, or place, or the parishes, townships, and places, where such lands and tenements lie; and that every such grant, of which such memorial is so to be registered, shall, at the time of entering such memorial, be produced to such clerk of the peace, town clerk, or other officer, as aforesaid, or their deputies, who shall thereon endorse a certificate, in which shall be mentioned the day and year on which such memorial shall be so entered.

the said 1 June, 1763, unless a memorial of the grant duly attested, be registered as aforesaid.

Such grant to be produced at the time of registering, and the day and year of entering the memorial to proper officer.

be endorsed thereon by the

IV. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty-four, no person shall vote at any election of a knight or knights of the shire, or of any citizen or citizens, burgess or burgesses of any such city or town, in that part of *Great Britain* called *England*, by reason of an assignment of any annuity or rent charge, or any part or parts thereof, made before the said first day of *June*, one thousand seven hundred and sixty-three, unless a certificate of such assignment upon oath, to the purport herein before mentioned, with respect to an original annuity or rent charge, shall have been entered with such clerk of the peace, town clerk, or other officer as aforesaid, twelve calendar months at least before the first day of such election; and that no person shall vote at any such election as aforesaid, by reason of an assignment of any annuity or rent charge, or any part or parts thereof, made after the first day of *June* one thousand seven hundred and sixty-three, unless a memorial of such assignment, and also a memorial of the grant of such annuity or rent charge of which such assignment shall be made, shall have been attested and registered twelve calendar months at least before the first day of such election, in the same manner as is herein before directed with respect to the memorial of an original grant of an annuity or rent charge.

Nor may any one vote in right of any assignment of any annuity or rent charge made before 1763,

unless a certificate of the original annuity be entered as aforesaid; and if the assignment be made after the said 1 June, there a memorial thereof, and of the grant, to be attested and registered as is directed in cases of original grants.

Books to be kept by the proper officers for entering such certificates and memorials. Fees for entry, and search,

and for copies.

Officer may administer an oath in cases aforesaid. Copies attested by the proper officer, deemed legal evidence.

Memorials of grants or assignments made and executed above 40 miles from the office of clerk of the peace, &c. to be registered, upon producing an affidavit made by one of the witnesses before one of the judges at Westminster, or a master in Chancery.

Officer, or deputy, to attend, upon reasonable notice and satisfaction, with the books

V. And be it further enacted by the authority aforesaid, That the clerk of the peace of every county, riding, or division, and the clerk of the peace, town clerk, or other officer as aforesaid, of every such city or town, shall keep a book or books for the entering of every such certificate and memorial, and shall be allowed for the entry of every such certificate the sum of one shilling, and of every such memorial, two shillings, and no more; and for every search for any certificate or memorial, one shilling, and no more; and that any person or persons may, at all seasonable times, resort to and inspect the certificates, memorials, and books of entries thereof: and such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby directed and required forthwith to give a copy of any certificate or memorial to any person or persons who shall desire the same, paying for such copy, if it contains not more than two hundred words, the sum of six pence; and so in proportion for any greater number of words: And such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby empowered to administer an oath in all cases where an oath is required by this act; and true copies of the aforesaid certificates and memorials attested by such respective clerks of the peace, town clerk, or other officer as aforesaid, or their deputies, shall, at all times, be allowed and admitted as legal evidence in all cases whatsoever.

VI. Provided always, and be it further enacted by the authority aforesaid, That a memorial of such grant or assignment as shall be made and executed in any place not within forty miles of the office of the clerk of the peace for the respective county, riding, or division, or of the town clerk, or other officer, as aforesaid, shall be entered and registered by such clerk of the peace, town clerk, or other officer, as aforesaid, or their deputies, in case an affidavit sworn, or affirmation of a *quaker*, before one of the judges at *Westminster*, or a master in *chancery* ordinary or extraordinary, be brought with the said memorial to the said clerk of the peace, town clerk, or other officer, as aforesaid, wherein one of the witnesses to the execution of such grant or assignment shall swear that he or she saw the same executed; and the same shall be a sufficient authority to the clerk of the peace, town clerk, or other officer, or their deputies, to give the party that brings such memorial a certificate of the registering such memorial; which certificate, signed by the said clerk of the peace, town clerk, or other officer, as aforesaid, or their deputies, shall be taken and allowed as evidence of the registry of the same memorial in all courts of record whatsoever; any thing herein contained to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That the clerk of the peace of every county, riding, or division, and the clerk of the peace, town clerk, or other officer, as aforesaid, of every such city or town, or their deputies, shall, upon reasonable notice, attend at any such election with the book or books of entries of every such certificate and memorial, at the request

request of any candidate or candidates; he or they making him reasonable satisfaction for such attendance.

VIII. And be it further enacted by the authority aforesaid, That if any clerk of the peace, town clerk, or other officer, as aforesaid, shall be guilty of any wilful neglect, misdemeanor, or fraudulent practice, contrary to the true intent and meaning of this act, every such clerk of the peace, town clerk, or other officer, as aforesaid, shall, for every such offence, forfeit one hundred pounds to the person who shall sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

IX. Provided always, and it is hereby further enacted and declared by the authority aforesaid, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such forfeiture or penalty shall be incurred.

### C A P. XXV.

*An act to continue and amend two acts made in the twenty-first and twenty-eighth years of his late Majesty's reign, for encouraging the making of indigo in the British plantations in America; and for extending the provisions of an act of the thirtieth year of his late Majesty's reign, with respect to bringing prize goods into this kingdom, to Spanish prize goods taken since the late declaration of war with Spain.*

WHEREAS the law for encouraging the making of indigo in the British plantations in America has been found to be very useful and beneficial to the publick, and is so near expiration, that it is fit it should be continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twenty-first year of the reign of his late majesty King George the Second, intitled, *An act for encouraging the making of indigo in the British plantations in America*, which was to continue in force for seven years, from the twenty-fifth day of March, one thousand seven hundred and forty-nine, and from thence to the end of the then next session of parliament; and which, by another act of the twenty-eighth year of his said late Majesty's reign, is further continued, from the twenty-fifth day of March, one thousand seven hundred and fifty-six, until the twenty-fifth day of March, one thousand seven hundred and sixty-three, and from thence to the end of the then next session of parliament; shall be, and the same is hereby, further continued, from the expiration thereof, until the

of either as at any such election. Office: guilty of any neglect or misdemeanor, intitled 1041.

Limitation of prosecutions.

Preamble.

The Act of 21 Geo. 2. relating to British plantations, made indigo, which was continued by

an act of 28 Geo. 2.

is further continued to 25 March, 1770, act.



twenty-fifth day of *March*, one thousand seven hundred and seventy, and from thence to the end of the then next session of parliament.

After expiration of the term limited by the act of 28 Geo. 2. a bounty only of 4d. per lb. to be allowed on all such indico imported under the regulations of

II. Provided always, and be it enacted by the authority aforesaid, That from and after the time limited by the said act of the twenty-eighth year of his late Majesty's reign, no more than four pence on the pound weight shall be paid and allowed as a bounty on indico imported from his Majesty's colonies, under the regulations and restrictions mentioned in the said act of the twenty-first year of the reign of King *George* the Second; and that no part of the said bounty of four pence on the pound weight shall be repaid upon the exportation of such indico.

regulations of the act of 21 Geo. 2. No part of the bounty to be repaid on exportation.

Doubts, with respect to the quality of the indico claiming the bounty, in any of the out ports, to be determined by two persons skilled in the commodity;

III. Provided also, and be it enacted, That in case any doubt or dispute shall arise between the surveyors or officers of the customs, and the owners or importers of indico imported into any of the out ports of *Great Britain*, as to the quality of the same, it shall and may be lawful for the collector of his Majesty's customs in any such out port, to call two or more dyers, dry salters, brokers, or others, well skilled in that commodity, who shall declare upon oath, if required, their opinion as to the quality of the same, and, according to the best of their judgment, determine whether the said indico is or is not intitled to the premium granted by the above recited act.

but if a competent number of such persons cannot be found there. Samples of the indico are to be sent to the commissioners of the customs.

IV. Provided nevertheless, That if a competent number of persons well skilled in that commodity, to be approved of by the collector of the customs, in any out port where indico is imported, cannot be found in such out port, then, and in such case only, where any doubt or dispute shall arise as aforesaid, samples of such indico, if imported into any out port in *England*, shall be taken and sent to the commissioners of the customs at *London*; and if imported into any out port in *Scotland*, to the commissioners of the customs at *Edinburgh*; in such manner as the respective commissioners shall direct, in order to be inspected and adjudged by such persons, and in such manner, as are prescribed by law for indico imported into the port of *London*.

Provisions in act 30 Geo. 2. encouraging the importation of prize goods, extended to Spanish prize goods.

V. And be it enacted by the authority aforesaid, That all the provisions of an act passed in the thirtieth year of his late Majesty's reign, intituled, *An act for the relief and encouragement of the captors of prizes, with respect to the bringing and landing prize goods in this kingdom*; be extended to *Spanish* prize goods taken since the late declaration of war with *Spain*.

## C A P. XXVI.

*An act to continue and render more effectual two acts of parliament for repairing the roads from Lemsford Mill, through Welwyn and Stevenage, and by Cory's Mill, to Hitchin; and from Welwyn, through Codicot, to Hitchin, in the county of Hertford.*

## CAP. XXVII.

*An act to continue and render more effectual two acts of parliament for repairing and widening the road leading from the Black Bull Inn in Dunstable, in the county of Bedford, to the way turning out of the said road up to Shaford House, in the county of Hertford.*

## CAP. XXVIII.

*An act for continuing an act passed in the eleventh year of his late majesty King George the Second, intituled, An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, vended, tapped, or sold, within the town of Aberbrothock, and liberties thereof.*

## CAP. XXIX.

*An act for enlarging the term and powers granted by two acts of parliament of the sixth and twelfth years of his late Majesty's reign, for repairing the road from Fyfield in the county of Berks, to Saint John's Bridge in the county of Gloucester, and from an inn called the Hind's Head, in the parish of Kingston Bagpuze in the said county of Berks, to that part of Newbridge which stands in the said county of Berks; and for rendering the said acts more effectual.*

## CAP. XXX.

*An act to enlarge the term and powers granted by an act made in the eighteenth year of the reign of his late majesty King George the Second, intituled, An act to repair and widen the road leading from Godmanchester in the county of Huntingdon, through Fen Stanton and Cambridge, to the first rubbing house on Newmarket Heath, in the county of Cambridge.*

## CAP. XXXI.

*An act for repairing and widening the road from a place called Nightingales, in the township of Heath Charnock, to the bridge at the west end of the town of Bolton in the Moors, in the county palatine of Lancaster.*

## CAP. XXXII.

*An act for repairing the road from Newmarket, over Newmarket Heath, to the turnpike road leading to Stump Cross, in the counties of Cambridge and Suffolk.*

## CAP. XXXIII.

*An act for repairing, widening, and keeping in repair, the road from Kirkby Kendall, in the county of Westmoreland, to Kirkby Ireleth, in the county of Lancaster.*

## CAP. XXXIV.

*An act for repairing, widening, and keeping in repair, the high road leading from the fourteen mile stone, in the parish of Mothvey, in the county of Carmarthen, through Llandovery, to Llydiad y Gwyn, in the parish of Llandilowawr; and from thence by Cledfulch, and over Dulefs Bridge, to the town of Landilo wawr; and from the said town along the post road, by Rhwyradar, through the county borough of Carmarthen, and village of Saint Clears, to Tavern Spite, in the parish of Kiffig, at the borders of the county of Pembroke.*

## CAP. XXXV.

*An act for repairing, widening, and keeping in repair, several roads leading from the town of Barnstaple, in the county of Devon.*

## CAP. XXXVI.

*An act for repairing, widening, turning, and keeping in repair, the road from the town of Cambridge to Ely, and from thence to Soham; and for building a bridge cross the river Ouze, at or near a place called Stratham Ferry, in the county of Cambridge.*

## CAP. XXXVII.

*An act to continue and render more effectual several acts of parliament for repairing the road from Highgate Gate-house, in the county of Middlesex, to Barnet Block-house, in the county of Hertford; and the road from the Bear Inn in Hadley, to the Angel in Endfield Chase; and also Canewood Lane, leading from Highgate to Hampstead, in the said county of Middlesex; and for repairing and widening the road, being part of the great North Road from London, beginning at Barnet Block-house, and ending at the Bear Inn in Hadley aforesaid.*

## CAP. XXXVIII.

*An act for amending and widening several roads leading from or near the north end of the town and borough of Totnes, in the county of Devon.*

## CAP. XXXIX.

*An act for making a navigation from the river Humber, by a canal or cut, at or near Tetney Haven, to the river Ludd, in the parish of Alvingham, in the county of Lincoln; and for continuing the said navigation in or near the said river, from thence, to or near the town of Louth, in the said county.*

## CAP. XL.

*An act for maintaining, regulating, and employing the poor within the parish of Saint Matthew Bethnal Green, in the county of Middlesex.*

## CAP. XLI.

*An act for paving, lighting, and cleansing the city of Coventry, and its suburbs; for preventing annoyances therein; and for better ordering the publick wells and pumps there.*

## CAP. XLII.

*An act for continuing the duties, and enlarging the powers, granted by two acts made in the fifth and twenty-fifth years of his late Majesty's reign, for enlarging the pier and harbour of Scarborough in the county of York.*

## CAP. XLIII.

*An act for repairing, widening, and keeping in repair, the road leading from the turnpike road, between Oswestry and Wrexham, at or near Whithurst's House, through Llangollen, to the most proper and commodious joining of the turnpike road leading from Wrexham to Ruthin, at or near Taverner Dwyarch; and from Llangollen aforesaid, through Acre Fair Colliery, to the Finger Post, at the joining of the road leading from Oswestry to Wrexham in the county of Denbigh.*

## CAP. XLIV.

*An act for repairing and widening the road, and opening a communication, from the house of Thomas Hughes esq; adjoining to Halkin Mountain, to Farm; and across the old post road in Counsilt-fechan, to a house at Nant y Moch, in Bagillt, in the occupation of Thomas Gill, in the county of Flint.*

## CAP. XLV.

*An act for repairing and widening the road from Lawton, in the county of Chester, to Burslem and Newcastle under Lyne, in the county of Stafford, and other roads therein mentioned.*

## CAP. XLVI.

*An act to continue the term, and enlarge the powers of several acts of parliament for repairing the roads from Maidenhead Bridge to Reading; and from the said bridge to Henley Bridge, in the county of Berks.*

## CAP. XLVII.

*An act to enlarge the term and powers of two acts passed in the first and twelfth years of the reign of his late majesty King George the Second, for repairing the road from the powder mills on Hounslow Heath, in the county of Middlesex, to a place called Basingstone, near the town of Bagshot, in the parish of Windlesham, in the county of Surrey.*

## CAP. XLVIII.

*An act for the better cleansing and enlightening the streets, lanes, and publick ways, of the city of York, and the suburbs thereof, and of the liberty of Saint Peter within the said city; and for keeping the same in repair and free from annoyance; and for regulating the hackney coachmen and chairmen, carmen and draymen, within the same.*

## CAP. XLIX.

*An act for taking down the parish church of Saint Andrew, in the city of Canterbury; and for building a new church in a more convenient place.*

## CAP. L.

*An act for vesting certain parcels of land, in Paddington, in the county of Middlesex, in the rector and churchwardens of the parish of Saint George Hanover-Square, in the said county; and appropriating the same for a burial ground for the said parish.*

## CAP. LI.

*An act to amend and render more effectual so much of an act passed in the last session of parliament, intituled, An act for amending and widening the road from the market house in Stourbridge, to Colley Gate, in Cradley, and from Pedmore to Holly Hall, and from Colly Gate to Halefowen, and from the turnpike road on Dudley Wood to Rednall Green, in the parish of King's Norton, and from Carter's Lane to the Bell Inn at Northfield, in the counties of Worcester, Stafford, and Salop, as relates to the road from the turnpike road on Dudley Wood to Rednal Green, and from Carter's Lane to the Bell Inn at Northfield.*

CAP.

## CAP. LII.

*An act for amending and widening the roads leading from New Street and Pig Street, in Penryn, in the county of Cornwall, to Redruth, in the same county.*

## CAP. LIII.

*An act for maintaining, regulating, and employing the poor within the parish of Saint Mary Whitechapel, in the county of Middlesex; for cleansing and lighting the squares, streets, lanes, alleys, courts, yards, and other open passages and places, and regulating and keeping a nightly watch, within such parts of the said parish as are not within the liberties of the Tower of London, or city of London; and to enable the parishioners to raise money to defray the expences of repairing the said parish church.*

## CAP. LIV.

*An act for the better and more easy rebuilding of the town of Wareham in the county of Dorset; and for determining differences touching houses and buildings burnt down or demolished by reason of the late dreadful fire there, and for preventing future danger by fire.*

## CAP. LV.

*An act for lighting the streets and other places, and maintaining a regular and nightly watch, within the town and county of the town of Newcastle upon Tyne; and for regulating the hackney coachmen and chairmen, cartmen, porters, and watermen within the same.*

## CAP. LVI.

*An act for the better paving of the streets, and for preventing nuisances and other annoyances in the town of Gosport, in the county of Southampton.*

## CAP. LVII.

*An act for continuing and enlarging the term and powers of an act made in the thirty-second year of the reign of his late majesty King George the Second, for repairing and widening the road from the town of Derby, to the town of Newcastle under Lyne, in the county of Stafford; and for repairing and widening the road from Cliffebank to Snape Marsh, in the village of Shelton, in the county of Stafford.*

## CAP. LVIII.

*An act to continue the term and enlarge the powers of two acts of parliament, for repairing the highways from White-*

Whitechapel church, in the county of Middlesex, to Woodford, in the county of Essex; and for enlightening and watching part of the said highway from Whitechapel church to Stratford; and for repairing the road through the parishes of Chigwell and Lambourn, in the county of Essex.

## CAP. LIX.

*An act for repairing and widening the road leading from the town of Stafford to Sandon, in the county of Stafford; and several other roads in the counties of Salop and Stafford.*

















